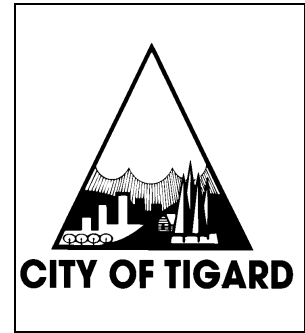

TIGARD CITY COUNCIL
MEETING

October 23, 2001 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Visitor's Agenda items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, Ext. 309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, x309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
OCTOBER 23, 2001

6:30 PM

- STUDY SESSION

- > UPDATE ON RANDALL FUNDING AND DEVELOPMENT GRANT ASSISTANCE

- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- 1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board
 - 1.2 Roll Call
 - 1.3 Pledge of Allegiance
 - 1.4 Council Communications & Liaison Reports
 - 1.5 Call to Council and Staff for Non-Agenda Items

- 2. VISITOR'S AGENDA (Two Minutes or Less, Please)

- 3. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 3.1 Approve City Council Minutes for August 21 and October 2, 2001
 - 3.2 Receive and File: Council Goal Update
 - 3.3 Approve Property Acquisition for Gaarde Street Improvements

- 3.4 Acknowledge a Contractual Relationship with City County Insurance Services Trust – Resolution No. 01- _____
- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*
4. CONSIDER A RESOLUTION MEMORIALIZING THE RHODODENDRON GARDEN AT SUMMERLAKE PARK IN HONOR OF OTTO SORG
- a. Staff Report: Public Works Staff
 - b. Council Questions/Discussion
 - c. Council Consideration: Resolution No. 01- _____
5. VIEW A MODEL OF THE PROPOSED NEW LIBRARY AND DISCUSS PUBLIC PARTICIPATION PLAN
- a. Staff Report: Library Staff
 - b. Presentation by the New Library Construction Committee
 - c. Council Questions/Discussion
6. PUBLIC HEARING – CONSIDER A RESOLUTION ADJUSTING SOLID WASTE RATES
- a. Open Public Hearing
 - b. Staff Report: Administration and Finance Staff
 - c. Public Testimony
 - d. Council Discussion/Comments
 - e. Staff Recommendation
 - f. Close Public Hearing
 - g. Council Consideration: Resolution No. 01- _____
7. PUBLIC HEARING – ACCEPT THE 2001 LOCAL LAW ENFORCEMENT BLOCK GRANT AND APPROVE THE SPENDING OF FUNDS
- a. Open Public Hearing
 - b. Staff Report: Administration and Finance Staff
 - c. Public Testimony
 - d. Council Discussion/Comments
 - e. Staff Recommendation

- f. Close Public Hearing
 - g. Council Consideration: Should Council accept the grant and approve the spending of funds?

- 8. CONSIDER A RESOLUTION LIMITING CONSTRUCTION ACTIVITY WITHIN THE PUBLIC RIGHT-OF-WAY BETWEEN THE THANKSGIVING AND NEW YEAR HOLIDAYS
 - a. Staff Report: Community Development Staff
 - b. Council Questions/Discussion
 - c. Council Consideration: Resolution No. 01- _____

- 9. COUNCIL LIAISON REPORTS

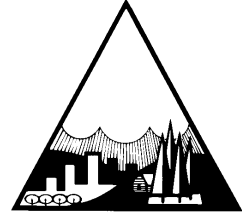
- 10. NON AGENDA ITEMS

- 11. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(3), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

- 12. ADJOURNMENT

I:\ADM\CATHY\CCA\011023.DOC

MEMORANDUM
CITY OF TIGARD, OREGON



TO: Honorable Mayor and City Council Members

FROM: Liz Newton, Assistant to the City Manager

DATE: October 15, 2001

SUBJECT: Randall Funding and Development Grant Assistance

In June, the City Council approved a contract with Randall Funding and Development to provide grant writing assistance to the city.

Each Friday staff receives a Federal Grant Alert from Randall that identifies available grants and deadlines. A Letter of Authorization has already been given to Randall for a "COPs More" grant due in the spring. That grant would fund technology in the police department. Community Development staff is also considering a wetlands enhancement grant and a grant for Fanno Creek Park.

On July 2 a Needs Assessment meeting was held with executive staff and Yuesen Yuen, one of the general partners of Randall Funding and Development. An Initial Funding Report based on that meeting was delivered to the city on August 2. Staff identified some concerns with the Initial Funding Report, specifically, lack of emphasis on the city's stated priorities and identification of some federal grant opportunities that are managed differently in Oregon than in other states. Subsequent to the meeting and report issuance Yuesen Yuen left the firm.

On September 5, 2001, Julie Mozena, Director of Client Services, and Bill Nathan, Tigard's Client Services Coordinator met with exec staff to get information for the Final Funding Strategy report. Staff had requested this meeting after learning of Yuesen's departure from the firm. The meeting cost was not charged to the city. That report was delivered on October 8 and will be reviewed by staff over the next two weeks.

Staff has requested from Randall a detailed funding strategy for securing funding for construction of a new library that would address specific suggestions contained in the Final Funding Strategy Report. That document will be completed around November 2 and shared with council at the November 13 study session.

MINUTES
TIGARD CITY COUNCIL MEETING
August 21, 2001

1. WORKSHOP MEETING

- 1.1 Call to Order – Mayor Griffith called Meeting to order at 6:30 p.m.
- 1.2 Roll Call: Mayor Griffith; Councilors Dirksen, Moore, Patton and Scheckla (arrived at 6:35 p.m.)
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports – None.
- 1.5 Call to Council and Staff for Non Agenda Items – None.

2. UPDATE ON WASHINGTON COUNTY VISION WEST

This item was set over to a future City Council meeting.

(Note: Next item discussed was Agenda Item No. 4)

3. JOINT MEETING WITH THE PLANNING COMMISSION

Community Development Director Hendryx reviewed this agenda item and updated the City Council and Planning Commission on the conclusions and recommendations of the Washington Square Regional Center Task Force. For more detailed information, please see the staff report on file with the City Recorder.

Consultant John Spencer reviewed the summary report and the task force work to date. Consultant Elaine Cogan reviewed the charges given to the Washington Square Regional Center Task Force for public outreach and to develop recommendations for storm water drainage, open space, environmental and natural resource issues, and preparation of strategies and a financial plan for transportation improvements. Four technical advisory subcommittees (TASes) reported to the Task Force and worked closely with City staff and the consultant team led by Spencer & Kupper. In addition, two public events were held to solicit public comment on the TASes' and Task Force's work.

The Task Force met six times to give guidance to the technical committees.

Mr. Spencer then reviewed the findings of the Task Force, which included recommendations for Comprehensive Plan amendments and establishment of new multiple use zones.

Transportation was an issue that represents significant problems to be resolved now. The area has not seen the type of transportation investment needed. There is a lack of roads and there is no adequate place for buses. Mr. Spencer reported that a "fatal flaw" review was performed for all proposed projects; no "fatal flaw" was found.

Also the change of zoning was examined to determine what impact such a change would have on the transportation needs in the area. In response to a question from Commissioner Padgett, Mr. Spencer confirmed that, with either the new or old zoning, transportation improvement needs would be the same. While the proposed changes will not make the transportation situation better, it will not make it worse. However, the quality of development (with the proposed changes) will be better.

Accuracy of existing natural resource maps was verified for areas located in the Cities of Beaverton and Tigard. The mapping of vegetation in these communities was completed. Wetland areas were also reviewed. It was recommended that the City's maps be updated with this new information.

A question reviewed was: Are the regulations in the City designed to protect the natural resources effective? The conclusion was that the regulations in place are adequate to protect local natural resources.

The proposed zoning was reviewed to determine whether it would cause more of an impact to natural resources. It was noted that the potential for impact would be regulated regardless of underlying zoning.

Other ideas discussed and contained in the summary report included storm water management, greenbelt - open spaces, and financial strategies.

Measure 7 implications were briefly discussed. Mr. Hendryx noted that staff was working with the attorney's office to clarify potential Measure 7 implications.

Mr. Spencer responded to several questions asked by the City Council and the Planning Commission with regard to natural resources.

Mr. Hendryx noted that the next step would be to conduct hearings. A hearing is now scheduled for the Planning Commission in November; a January 2002 hearing is scheduled for the City Council.

It was noted that it would be a good idea to get other jurisdictions, Beaverton and Washington County, to discuss funding.

Council meeting recessed: 8:25 p.m.

Council meeting reconvened: 8:34 p.m.
(Note: Agenda Item No. 5 was discussed next.)

4. DISCUSSION OF LAND USE APPEAL PROCESS

Community Development Director Hendryx reviewed this agenda item with the City Council. Contained in the staff report, which is on file with the City Recorder, is a flowchart for land use appeals as well as the applicable Municipal Code sections.

Planning Commission members present at this meeting included John Olsen, Mark Padgett, Shel Scholar, Scot Sutton, Steven Topp, and Nick Wilson (Planning Commission Chair). The Planning Commission members joined the discussion for this agenda item.

Mr. Hendryx briefly reviewed the land use appeal process. For detailed information, please see the staff report on file with the City Recorder.

There was discussion on the recent decision regarding the Blue Heron planned development. Several Planning Commission members advised of their concern with the planned development process in the City of Tigard. Planning Commission Chair Wilson said that he believed that the Blue Heron decision was the first decision that has come from the Planning Commission that was not well grounded.

He noted the Commission's frustration with the planned development process in that the regulations within the Municipal Code do not result in innovative development but is just a means for developers to "cram" more units into a development. He further advised he did not see the validity of the bonus that provides for additional units in the planned development process. He cited as an example the recent Blue Heron development where most trees were located in the greenspace and could not be touched regardless, yet used as part of the formula to qualify for a bonus for more units/greater density.

After discussion, City Council and Planning Commission members agreed that a review of the Planned Development Municipal Code provisions was warranted. This review will start with the Planning Commission.

(Note: Agenda Item No. 3 was discussed next.)

5. DISCUSSION OF METRO'S 2040 GROWTH CONCEPT

Community Development Director Hendryx referred to the staff report on file with the City Recorder. Mr. Hendryx reviewed questions with regard to the periodic review's discussion topics for meetings with local government officials that were prepared by Metro. Mr. Hendryx noted that the major issues for the City of Tigard concern infrastructure and infill. There was some discussion on priorities. It was also noted that citizens value privacy and do not like traffic congestion. Density requirements are forcing construction into not easily buildable properties.

There is a need to ease the pressure on communities as a result of the density requirements.

City Council will be meeting with Metro representatives on September 10, 2001.

(Note: Agenda Item No. 7 was discussed next.)

6. UPDATE ON PHOTO RADAR

Police Chief Ron Goodpaster reviewed the staff report, which is on file with the City Recorder. He discussed the issues associated with the implementation of photo radar at this time. He advised that the Police Department is not proceeding with photo radar. He noted that he was concerned about public tolerance and a reaction in more than doubling the amount of speeding citations and the ability of the program to pay for itself.

Consensus of City Council was to support Chief Goodpaster's recommendations.

(Note: Administrative Items were discussed next; see Item No. 10.)

7. SOLID WASTE RATE POLICY CLARIFICATION AND FEEDBACK

The purpose of this discussion was to obtain feedback from Council members before staff developed a recommended rate structure. It was noted that a tip fee increase could go into effect July 1, 2002, which would mean that solid waste rates would go up by \$2.90 per ton. Members of the Solid Waste Policy Task Force were present including Mike Leichner of Pride Disposal and Mike Jefferies of Miller's Sanitary (Waste Management).

Tom Imdieke, Finance Operations Manager, reviewed the staff report and review process. He referred to areas where staff was seeking Council direction:

- What aggregate rate of return should be used in establishing a proposed solid waste rate structure? Council discussed the current rate of return experienced of 11.6%. The haulers are concerned with the competition on their drop box business. It was noted that there are court cases that are yet to be decided with regard to a challenge to the manner in which franchises are granted by cities.
- There was discussion of a subsidy issue where the commercial ratepayers are subsidizing residential rates.

There was discussion on how to phase in moving away from the commercial subsidy to residential rates. Councilor Dirksen suggested that if there was a

big increase in costs, then a phased-in approach might be best. Councilor Patton agreed that the City should continue to move to reduce the subsidy by commercial ratepayers for residential ratepayers (toward a cost-of-service rate for both ratepayers). The timeline to reach parity will depend on how large of an increase it will be to residential ratepayers – perhaps two to four years. Staff will make a recommendation with the Solid Waste Work Group's assistance.

- Council agreed that they would like to continue encourage recycling in their policies.

(Note: Council discussed Agenda Item No. 6 next.)

8. COUNCIL LIAISON REPORTS: None

9. NON-AGENDA ITEMS: None.

10. ADMINISTRATIVE ITEMS DISCUSSED:

- Upcoming Metro Meeting on September 10, 2001.
- Joint Meeting at the City of Tualatin with the Tualatin Council on October 15, 6-7:30 p.m.
- Discussion on upcoming vacation plans for the City Councilors.
- Reminder that during cable television broadcasts, City Council members should push buttons on the microphones to reduce noise when appropriate.
- The August 23 Commuter Rail meeting was cancelled.
- City Manager Monahan described the trip to Samarinda, Indonesia, where the City will participate in the Resource Cities Program through ICMA/US Aid. The cost to the City will be time away from the office by staff members who participate. The program pays the costs for transportation and lodging. Mr. Monahan advised that staff member participation will depend on the needs and said representatives will be tapped from Public Works, Community Development, and Finance. Council consensus was for the Manager to proceed with plans to participate in the program.

11. EXECUTIVE SESSION: Canceled.

12. ADJOURNMENT: 10:07 p.m.

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____

\\TIG333\USR\DEPTS\ADM\CATHY\CCM010821.DOC

TIGARD CITY COUNCIL
SPECIAL MEETING MINUTES
October 2, 2001

Location: Cook Park, Tigard, Oregon.
Time of Meeting: 5:30 p.m.
Council Members Present: Mayor Jim Griffith; Councilors Craig Dirksen, Brian Moore, Joyce Patton, and Ken Scheckla.
Staff Members Present: Ed Wegner, John Roy, Dan Plaza, and Bill Monahan
Citizen Present: Martha Bishop

Ed Wegner introduced Dan Plaza, the new Parks Manager, and noted that John Roy will be the project manager of the project through completion. John Roy explained the elements of the Phase I construction. By next spring the plaque commemorating the Nicolli brothers' contribution to the field development could be installed.

Mr. Roy pointed out that all of the utilities are in for the League shelter, part of Phase 2. The parking lot, which is now defined by curbing, has capability for bus access. There is no driveway access from the parking lot to the planned fields. Parking lot paving will begin October 3.

The soil, which had been stored on site since July, has now been spread where the fields will be built. Installation of the irrigation system for the fields will begin on October 4.

Council walked over the site of the future baseball and soccer fields, as well as the emergency access road, which crosses property owned by Clean Water Services. Council also viewed where the future tot lot, restrooms, and butterfly garden will be located. Council walked along the butterfly garden path to the viewing gazebo, which is in place awaiting pouring of the concrete pad.

Mr. Roy described the plan for construction of a maintenance facility within the developed portion of Cook Park next existing to the maintenance structure.

Meeting adjourned: 6:30 p.m.

City Manager, William A. Monahan

Attest:

Mayor, City of Tigard

Date: _____

AGENDA ITEM # _____
FOR AGENDA OF October 23, 2001

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Receive and File: Council Goal Update

PREPARED BY: C.Wheatley DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Update on the progress of the Council goals for the third quarter of 2001.

STAFF RECOMMENDATION

Receive and file the update.

INFORMATION SUMMARY

Attached are brief summaries of the progress made in the third quarter of 2001 on the Council goals developed by the Council in January 2001.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Visioning goals are identified throughout the goals and tasks developed by the City Council.

FISCAL NOTES

N/A

2001 Tigard City Council Goals

October 2001 Update

Goal 1 Transportation.

Staff Responsible: Jim Hendryx and Gus Duenas

Continue the City's Transportation Improvement Program:

- a. Complete the City Transportation System Plan, discuss funding mechanisms and initiate implementation.
- b. Support and promote commuter rail.
- c. Develop a fixed route bus program for Tigard intra-city service.
- d. Revisit Transportation Improvement Projects (the 2000 bond measure) and potential funding sources.
- e. Promote resolution of 99W issues (and other state owned facilities in Tigard).

Tasks:

1. Reconstitute the Bond Measure Task Force.
2. Review the bond measure options.
3. Discuss alternative funding solutions
4. Work with Washington County to promote funding of commuter rail.
5. Address issues of Hwy 99W with ODOT and raise issues to the 2001 legislature.
6. Continue to improve pedestrian/pathway connections.
7. Review the need for sidewalk and street lighting improvements, even on trails.
8. Implement the City Transportation Improvement Program.
9. Promote opportunities to travel through the City of Tigard without accessing Hwy 99W.

September 2001 Update

(Community Development) - A work session with Council about the TSP is scheduled for November 20, 2001. The TSP is scheduled for adoption in February 2002. Community Development will initiate a TSP implementation program to amend the City's code to comply with the TSP.

An internal (City) funding strategy group was established to coordinate the City's funding priorities. An internal Tri-met strategy group was established to look at a broad range of Tri-met related issues, including intra-city service.

(Engineering) - The Transportation Financing Strategies Task Force presented its initial progress report to City Council at the Council meeting on August 28, 2001. The Task Force recommended that Council direct initiation of a Street Maintenance Fee study to determine feasibility for implementation. Council provided that direction, and the study has commenced. A report will be presented to the Task Force for review and approval after the study has been completed. The Task Force will then present the findings of the study to City Council for discussion and consideration. The Street Maintenance Fee Study report to Council is tentatively scheduled for March 2002.

The Task Force met on September 20, 2001 to discuss potential funding sources for major street improvements. The Task Force will continue to meet as needed and is tentatively scheduled to give a progress update to Council in February 2002.

July 2001 Update (Engineering)

The Transportation Financing Strategies Task force has met three times since April 2001. The Task Force is evaluating funding sources for both corrective and preventive maintenance of City streets, and expansion of major collectors to accommodate current and future traffic. One potential major funding source for street maintenance is a transportation user fee (street utility fee). The City of Portland recently included such a fee in their Fiscal Year 2001-02 budget. The cities of Tualatin, Wilsonville, Eugene, and others have initiated that type of fee for their street maintenance work.

On June 21, 2001, the Task Force listened to a presentation by Dan Boss, Operations Director of Tualatin on that City's Street Maintenance Fee. The Task Force is seriously considering implementation of a Transportation User Fee to help protect the City's investment in the street infrastructure. The League of Oregon Cities has warned us about attempts by the state legislature to cap or preempt street utility fees. We have gone on record to strongly oppose any such legislative attempts to preempt Oregon cities from initiating such fees. Mayor Griffith has sent letters to both Senator Deckert and Representative Williams strongly opposing any legislative action to preempt these fees.

The initial progress report by the Task Force to City Council is scheduled for August 28, 2001. Progress reports from the Task Force will be at approximately six-month intervals until the Task Force mission is accomplished.

July 2001 Update (Community Development)

- a. *Complete the City Transportation System Plan, discuss funding mechanisms and initiate implementation.*

Timing for adoption of the TSP has been discussed with the City Attorney and a strategy has been developed to address Measure 7 concerns. Staffing levels and the availability of the consultant will delay further action until Fall of 2001.

- b. *Support and promote commuter rail.*

The State Legislature has approved funding for the local share of the Commuter Rail Project. Federal funding is now being sought. Construction is scheduled for completion in the Fall of 2004.

- c. *Develop a fixed route bus program for Tigard intra-city service.*

Council recently prioritized needed transit improvements at its June 19, 2001 workshop. Working with the Westside Transportation Alliance, Council's priorities will be emphasized to Tri-Met.

d. Develop a fixed route bus program for Tigard intra-city service.

Council recently prioritized needed transit improvements at its June 19, 2001 workshop. Working with the Westside Transportation Alliance, Council's priorities will be emphasized to Tri-Met.

April 2001 Update

Continue the City's Transportation Improvement Program

- a. *Complete the City Transportation System Plan, discuss funding mechanisms and initiate implementation.*

The Planning Commission Hearing was conducted on February 5, 2001. Planning Commission approved the TSP and recommended that it be forwarded to City Council. Planning staff is keeping a comment log on the TSP, which is currently in draft version pending comments and public hearing before adoption. Once all the comments have been received, all revisions to the draft plan will be made and a final version will be published with relevant comments incorporated.

The TSP workshop with City Council was conducted on March 20, 2001. DKS, the TSP consultant, made a presentation, answered questions from Council, and received comments from Councilors regarding various aspects of the Plan. Councilors were concerned about the lack of intra-City bus service and wished to have that emphasized in the TSP. The impact of Measure 7 is still to be ascertained. There will be consultation with the City Attorney's office on the ramifications of adopting the TSP, but not moving to revised the Municipal Code until later. The timing for adoption of the TSP will be reviewed periodically during the next few months as these discussions with the City Attorney and City Council continues.

- b. *Support and promote commuter rail.*

A resolution of support from the Tigard City Council, and letters of support from the Tigard Chamber of Commerce, Tigard Central Business District Association and its Board Members, have been sent to the Governor and key Legislators.

- c. *Develop a fixed route bus program for Tigard intra-city service.*

Working with the Westside Transportation Alliance, an additional year of funding has been awarded to continue the Access to Work program into 2003/2004. Washington County received federal funding to expand the Transit Choices for Livability program in the County. Staff continues to work with the County and the Westside Transportation Alliance to increase transit options in Tigard. Correspondence has been sent to Tri-Met requesting detailed information on the amount of transit taxes paid by businesses within the community vs. the level of transit service received.

- d. *Revisit Transportation Improvement Projects (the 2000 bond measure) and potential funding sources.*

City Council passed Resolution 01-06 appointing a Transportation Financing Strategies Task Force to re-evaluate the bond package, determine what went wrong with the bond issue and make recommendations to City Council for future funding strategies. The first meeting of this Task Force is scheduled for April 19, 2001. The Task Force will be presenting periodic progress reports every quarter. Major transportation improvements, safety projects, and traffic calming measures will continue to be incorporated in the yearly Capital Improvement Program subject to the availability of funding.

- e. *Promote resolution of 99W issues (and other state owned facilities in Tigard)*

Staff continues to coordinate with the Oregon Department of Transportation on the level of improvements needed on 99W and other state owned facilities. Opportunities for grant funding is being evaluated to further peruse this effort.

Goal 2 Provide recreational opportunities.

Staff Responsible: Liz Newton

Tasks:

1. Develop and define a strategy to provide recreation opportunities for all citizen needs including:
 - a. Programs
 - b. Facilities
 - c. Activities
2. Evaluate the need for a separate Parks and Recreation Committee.

September 2001 Update

The Mayor's Youth Forum met in September and October. In September, the group heard a presentation from Virginia Hinson, Executive Director of the Boys and Girls Club of Portland. Their Board has determined they cannot set up a new facility more than one every two to three years. They have some pressing issues and probably could not work with Tigard for two to three years. Ms. Hinson did comment that for a start-up program, the use of middle school facilities makes sense. Younger students get exposed to the school, some transportation issues are eliminated, and parents feel their children are safer staying in a supervised school program.

At the October meeting, six student representatives attended and discussed with the group ways to get more youth involved. The Youth Forum Group also discussed programs/resources currently available for youth at middle schools and high schools and brainstormed how current offerings could be expanded and new programs added.

July 2001 Update

The Mayor's Youth Forum has met four times since February. The group is focusing on programs and services for youth in the community. A Community Youth Service/Program Resource Inventory has been prepared that briefly describes all of the current programs and services available to youth in the community and the challenges and limitations to continuing various programs. The Youth Forum is assessing ways the group can help service and program providers meet those challenges.

A representative of the Boys and Girls Clubs spoke to the Youth Forum and the Forum will research in the coming months how a Boys and Girls Club might serve Tigard Youth.

In the next few months, the Youth Forum will also focus on getting youth involved in addressing the issues.

April 2001 Update

Many organizations are attempting to fill voids in recreation opportunities for youth in Tigard. On February 27, 2001, Mayor Griffith hosted a Tigard Youth Forum. The idea was to brainstorm what services are being provided now for youth and what additional services are needed.

The main theme seemed to be buses and rooms for programs are available from the schools, however, funding is the issue. A discussion was held about forming a Youth Advisory Committee. A Steering Committee is working on this formation.

Goal 3 Support the efforts of the Tigard Central Business District Association (TCBDA) and their plan to revitalize the downtown.

Staff Responsible: Jim Hendryx

Tasks:

1. Assist in getting funding for implementation of the TCBDA downtown program.
2. Determine the level of City financial support to the revitalization effort.
3. Review development code requirements that affect the downtown (i.e., parking, etc.).

September 2001 Update

TCBDA requested that Council initiate formation of an Economic Improvement District of commercial property and business owners within downtown Tigard. The level of remonstrance resulted in TCBDA withdrawing their request. TCBDA continues to meet to re-evaluate their program and funding needs.

Parking standards for properties fronting SW Main Street have been revised to eliminate requirements resulting from change of use or major remodeling activities. Entertainment activities are precluded from the parking reductions.

July 2001 Update

1. *Assist in getting funding for implementation of the TCBDA downtown program.*

Public hearings are scheduled in July and August to establish an Economic Improvement District. The district would fund the TCBDA's program for improving the downtown.

2. *Review development code requirements that affect the downtown (i.e., parking, etc.).*

Measure 7 related issues have been resolved and the parking provisions are scheduled before Council in the Fall of 2001.

April 2001 Update

- a. *Assist in getting funding for implementation of the TCBDA downtown program.*

TCBDA, with financial assistance from Tigard, has contracted with the Oregon Downtown Development Association (ODDA) to evaluate and pursue funding options. TCBDA has evaluated options and is pursuing creating Economic and Business Improvement Districts to support their revitalization efforts. A preliminary budget has been established, assessments determined, and the program developed. Funding for the program would come from a variety of sources including property and business owners and the City. Presentations have been made before the CIT, City Council and business and property owners outlining the accomplishments of TCBDA and the proposed revitalization program. A public hearing to enable the City to establish an Economic Improvement District and a Business Improvement District is scheduled before City Council on April 10, 2001. Public hearings to create the Economic Improvement District are tentatively scheduled in June and July of 2001.

- b. *Determine the level of City financial support to the revitalization effort.*

Establishment of an Economic Improvement District and Business Improvement District (EID/BID) would establish the level of support from the City. The City's preliminary contribution towards the EID/BID would be approximately \$26,667 per year.

- c. *Review development code requirements that affect the downtown (i.e., parking etc.).*

Prior to voter approval of Measure 7, staff working with TCBDA proposed to modify the parking standard for businesses along Main Street. Conversion of existing buildings to uses requiring more parking would not be required to provide the additional off-street parking. The Planning Commission considered the amendment and voted unanimously in support of the amendment. Furthermore, new buildings replicating the square footage of existing buildings would not be required to provide off-street parking. Entertainment businesses would be excluded from these provisions. Measure 7 delayed further action on this amendment.

Goal 4 Continue to implement the City Park Master Plan.
Staff Responsible: Jim Hendryx/Dan Plaza

Tasks:

1. Apply funding to the plan.
2. Urge that Washington County establish a Parks Systems Development charge for the Tigard Urban Services area.
3. Complete the Summerlake Park plan.
4. Update the City Park master plan elements as land is added to the City system.
5. Continue to implement the Cook Park master plan.
6. Continue discussions with the Tigard-Tualatin School District for creation of a City Park associated with the proposed Alberta Rider School.

September 2001 Update

Community Development:

The City has been awarded a \$21,000 Land and Water Conservation grant to partially fund the construction of the picnic shelter identified in the Woodard Park Master Plan.

A community workshop to update the Summerlake Park Master Plan is scheduled for October 4th. Based on the workshop results, the consultant will prepare a revised draft master plan for staff review. Council consideration of the draft master plan is scheduled for sometime later this year.

A large, low-interest State loan for the implementation of the Cook Park Master Plan has been received. The loan will allow the City to accelerate the timetable for completing the master plan.

(See next page for update from Public Works on Cook Park.)

September 2001 Update

The Cook Park Master Plan Expansion Project Phase I is underway and on schedule. Phase I construction consists of a parking lot with irrigation and landscaping, 85th Ave. emergency access road, butterfly meadow, sports field grading and irrigation, and wetland viewing gazebo. The parking lot has been paved and City crews are in the process of striping the parking lot. The wetland viewing gazebo is under construction with the sheet metal roofing being installed. The 85th Ave. emergency access road has been paved. The sports field has been graded and irrigation is currently being installed. The concrete pathway from the 85th Ave. emergency access road to the wetland viewing gazebo has been poured. Landscaping of the parking lot islands and the butterfly meadow will begin the week of the 15th of October.

Design drawings and bid specifications are being prepared for Phase II construction currently. We anticipate going out to bid for Phase II in November of this year. Phase II construction will consist of a tot lot playground, restroom facility at the east end of the sports fields, and a restroom and concession stand facility near the current entrance to the park, a picnic shelter located near the wetlands, and a maintenance building and parking lot with irrigation and landscaping near the existing baseball fields, and utilities for maintenance building.

July 2001 Update

The City parks SDC was revised upward by an average of 57% effective July 1st.

The Washington County Commission has expressed majority support for an Urban Services Area park SDC. This support is tied to the development of an annexation plan for the area. An annexation study is now underway.

The park consultant has submitted a revised proposal for completing the Summer Lake Park master plan through a public process.

The bid process for the first phase of the revised Cook Park Master plan has been completed and construction is now underway. The work will be partially financed by a \$250,000 state grant award. An application for a state loan to provide additional funding is currently pending.

Construction of the Tiedeman/Woodard Park segment of the Fanno Creek trail is set to start in August. Funding will come from a \$50,000 federal Recreational Trails Program grant and Local Share Greenspaces dollars.

Grant applications for facility improvements to Woodard Park, a children's play structure and a picnic shelter, are pending.

Goal 5 Determine the City's long-term water supply.

Staff Responsible: Ed Wegner

Tasks:

1. Evaluate the three options presently under review.

September 2001 Update

The City continues to work on long-term water supply options; progress is very slow. The Intergovernmental Water Board and Joyce Patton, Council Liaison, continue to review and explore the Joint Water Commission and the City of Portland options:

Joint Water Commission (JWC)

1. Intergovernmental Water Resources Manager's Group has retained Montgomery Watson Harza as the consultant for the water supply feasibility project. The project will be a two-year phased project.
2. The Joint Water Commission staff, including Tigard, is preparing a capital improvement program looking at demand and needs through 2040.
3. We are developing an IGA with the City of Beaverton to proceed with the Beaverton Intertie. This connection will allow purchase of more JWC water as it becomes available.

Portland Water/Bull Run

1. Negotiations on a wholesale contract are very slow due to the offer by Portland to regionalize the Bull Run.
2. Staff from ten agencies are attempting to draft a conceptual model to form a regional drinking water agency. The effort is being called the Regional Drinking Water Initiative. We are hosting a public meeting on October 18 for citizen input and we are hopeful to have the model presented to elected representatives in November. Participating agencies are the Cities of Beaverton, Gresham, Portland, Tigard, and Tualatin. Special districts involved are Tualatin Valley Water District, Clackamas River Water District, Powell Valley Road Water District, Rockwood PUD, and Clean Water Services

July 2001 Update

The City continues to work on long-term water supply options. The Intergovernmental Water Board and Joyce Patton, Council Liaison, continue to review and explore the Joint Water Commission and the City of Portland.

South Fork Water Board/Clackamas River

1. South Fork Water Board has decided not to explore further options with Tigard and Lake Oswego.

Joint Water Commission

1. A Memorandum of Understanding was signed by Tigard and the Commission outlining future water sales, participation in a capital improvement program and working together in a long-term water supply study.
2. The Integrated Water Resources Manager's Group signed a Joint Funding Agreement to fund a study of the feasibility of new sources to meet the needs of domestic, commercial, industrial and agricultural users within the Tualatin River Basin.

Portland Water/Bull Run

1. Negotiations on a wholesale contract are going very slowly. We (Wholesaler Group) hope to have a draft of an interim contract by July 18.
2. On April 25, 2001, Portland City Council approved a resolution endorsing the development of a regional water entity. Councilor Patton testified in favor of this resolution. Things are moving slowly. We have had two preliminary meetings and agencies have until July 13, 2001, to notify Portland if they would like to participate in the discussions. Thus far, Tigard, Tualatin, Beaverton, Gresham, and Clackamas River Water District have indicated a willingness to participate.

April 2001 Update

The City continues to work on three long-term water options, until such time that sufficient data is available for Tigard and its Intergovernmental Water Board partners to make a decision.

South Fork Water Board/Clackamas River

On March 15, 2001, the SFWB met to discuss three options that are available to South Fork with regard to alliances with other entities:

- | | |
|----------|---|
| Option 1 | Take no action – preserve status quo. |
| Option 2 | Proceed with formation of new intergovernmental entity. |
| Option 3 | Enter into wholesale water contracts. |

After much discussion, the matter was held over to a later meeting.

Portland Water Wholesale Contract

- ◆ Negotiations on the wholesale contract are going very slowly. We are still awaiting a staff response to the proposed wholesale contract.
- ◆ Commissioner Erik Sten of the Portland City Council recently suggested that the Bull Run water source become a more regional asset with regional ownership. We are awaiting Portland's next move.

Joint Water Commission

- ◆ Staff continues to work on a Memorandum of Understanding allowing Tigard to become a partner when an additional water source is secured and is selling surplus water.

Goal 6 Establish an annexation policy for non-island areas.

Staff Responsible: Jim Hendryx

Tasks:

1. Consider options available to apply to annexation proposals.
2. Determine if the City should actively encourage annexation of:
 - a. Parcels
 - b. Areas

September 2001 Update

A focus meeting was held July 26th to allow Bull Mountain residents the opportunity to ask questions about the annexation process. The tentative completion date for the report is late fall. At that time, staff will ask for further direction from Council related to an annexation and public outreach process.

July 2001 Update

Discussions have occurred with representation from Washington County on evaluating annexation of Bull Mountain. An intern has been hired to assist in preparing a study on the feasibility of annexing the area. The study should be completed in Fall of 2001.

A focus meeting with selected citizen representatives from the area is scheduled for July 26, 2001. Results of the meeting will shape the scope of the study.

April 2001 Update

Council provided direction to staff at the March 20, 2001 work session to prepare a study for the Bull Mountain area. After the study is completed, staff will present this information and ask for further direction from Council.

Goal 7 Encourage and support private sector programs to rehabilitate existing, and develop new, affordable housing.

Staff Responsible: Jim Hendryx

Tasks:

1. Continue to enforce the housing code.
2. Consider ways to support provision of affordable housing.

September 2001 Update

In September, Council considered a range of new policies and approaches to promote affordable housing production. The approaches included the setting of a numeric target for affordable housing construction, the establishment of a special fund to provide fee relief for affordable housing providers, and asking the County to make tax foreclosed properties available to non-profit housing corporations for low-income housing activities. Council also decided to grant the Tigard-based Community Partners for Affordable Housing \$8,000 in fee relief for the Village at Washington Square project now underway.

July 2001 Update

1. Continue to enforce the housing code by working with owners to bring buildings into compliance. Close cooperation with TVF&R is ongoing.
2. On July 17th, Council will consider a request from Community Partners for Affordable Housing (CPAH) for \$10,000 in fee relief for its new 26-unit affordable housing project. If granted, the fee relief would allow CPAH to reduce the rent on one three-bedroom unit to a level affordable to a family earning 30% of median income.

April 2001 Update

1. Continue to enforce Housing Code:

- ◆ Housing complaints generally resolved within 2-3 days, the few exceptions have involved issues requiring permits and corrective action;
- ◆ Have not yet had to issue formal summons to court to resolve housing complaints – all have been resolved with “voluntary” cooperation;
- ◆ Close cooperation with TVF&R is ongoing, seeking ways to improve fire safety at apartment complexes.

2. Enforce Building Codes:

- ◆ Have not yet had to bring cases into court to resolve building complaints – most respondents have come into “voluntary” compliance on receipt of a formal Notice of Violation, and all of those we have served with Summonses have (so far) chosen to come into compliance before appearing in court;

3. Code Enforcement procedures:

- ◆ Have proposed a few “housekeeping” updates to the Municipal Code to clarify parts of the Civil Infractions Enforcement Process;

4. Private Sector Programs: No requests for information or support have been received from the private sector regarding “affordable housing.”

Affordable Housing: Council consideration of options for supporting affordable housing has been placed on hold until the impact of Measure 7 is better known.

Goal 8 Review the report of the New Tigard Library Construction Committee (NTLCC) and provide direction.

Staff Responsible: Margaret Barnes

Tasks:

1. Hear the report of the NTLCC regarding programming and potential sites for construction.
2. Provide direction: a. Size, b. Cost, c. Location, & d. Funding
3. Determine when a bond measure for construction of a new library should be placed before the voters.

September 2001 Update

At the July 24 City Council meeting The New Tigard Library Construction Committee presented information regarding the development of a conceptual design and construction of an architectural model to be developed by BML Architects. The purpose of the model is to provide a representative structure and demonstrate the relationship between the functionality and architectural design of the building. The Committee was directed to request a proposal from BML Architects for the construction of the model. The proposal received from BML Architects was \$53,000. This proposal was approved by City Council at the August 14, 2001 meeting. The model is scheduled to be presented to City Council on October 16, 2001.

A Library staff design committee was formed and met with staff from BML Architects during the months of August and September 2001, to develop space adjacencies for the building interior.

City Council approved the recommended site for the proposed new library at the August 28, 2001 meeting. This site is a 14.7- acre property is located along Hall Boulevard near O'Mara Street. The site will accommodate a two-story structure, future expansion and parking. There is access to public transportation as a bus line serves the site and a transit center is located within a half-mile radius. The site is also near the City Hall complex.

The Committee presented information to the Council on September 25, 2001, regarding placement of the new library as well as a proposed road on the property.

The May 2002 election is the target for a bond measure to be placed before the voters.

July 2001 Update

The New Tigard Library Construction Committee met with the City Council on April 17, 2001 to present the findings of the "Needs Analysis Report for a new Tigard Library" and the "Building Program for the new Tigard Library." At this meeting the Council also reviewed a diagram illustrating the "space adjacencies" of the major service areas of the library. Also presented to the Council was the criteria developed by the Committee and BML Architects to evaluate preliminary sites. The Committee presented information to the Council on three potential sites. The Committee also recommended to the City Council that they acquire property and build a new library of 47,000 square feet, which would serve Tigard's service area for the next 15-20 years, based on population projections and foreseeable needs.

The Committee met with the Council again on June 19. At this meeting they presented to Council additional information on the potential sites. The Committee also presented information supporting the recommendation that the new library be a two-story structure. The preliminary estimated cost for this project is between \$14,000,000 and \$17,000,000.

When a bond measure for construction of a new library should be placed before the voters has not yet been determined. The Committee will next be presenting to the City Council on July 24, 2001.

April 2001 Update

In early 2000 BML Architects and the consultant, Cynthia Ripley of Ripley Architects were retained by the City to do a three-part study for a new library. This study consisted of a needs analysis report, the development of a library building program to accommodate the services and a site analysis. The New Tigard Library Construction Committee has been meeting on a regular basis since November of 2000. The Committee, after accepting the "Needs Analysis" report, which was prepared by the consultant, has been working with BML Architects reviewing the "Building Program" report and analyzing potential possible sites. The Committee will be giving a preliminary presentation to Council on April 17, 2001. This presentation will include information concerning the approximate recommended size of a new facility, recommended programming, preliminary estimated costs for a new library, and a review of representative sites. When a bond measure for construction of a new library should be placed before the voters has not yet been determined.

Goal 9 Develop a new City-wide sewer completion policy.

Staff Responsible: Gus Duenas

Tasks:

1. Develop a City-wide sewer program which includes:
 - a. Cost alternatives and options;
 - b. A proposed construction sequence;
2. Take into consideration how to make the program equitable for those property owners who previously participated in the City sewer reimbursement program.

September 2001 Update

At its meeting on June 12, 2001, City Council approved a 5-year program for extending sewers Citywide. Project designs are underway on the projects included in the program's first year. Most projects will be ready for bid in early 2002.

On July 10, 2001, City Council approved a resolution incorporating the following incentives to encourage prompt connection to the City's sewer system:

- The previous incentive program capped the amount at \$8,000 up to a maximum of \$15,000 for those residents that connect within a year after the sewer is made available. The new incentive program lowers the amount an owner is required to pay for a share of the public sewer from \$8,000 to \$6,000.
- The one-year period under the current incentive program is extended to three years after sewer service becomes available. The lot owners can connect to the sewer anytime during that three-year period to take advantage of this reduced fee.
- For those residents that paid the higher fee under the old Incentive Program, refunds were authorized so that they would receive the same benefit as those in the new program. Owners under the old program that have sewer service available but have not connected to the sewer were given an additional two years to connect to the sewer and take advantage of the reduced fee.

Refunds were sent to 32 property owners who paid the higher fee under the old Incentive Program. Owners under the old program that have sewer service available but have not connected to the sewer were sent notices informing them of the reduced payment amount and the additional two years of eligibility for this reduced fee.

July 2001 Update

The Engineering staff prepared a long-term program to extend sanitary sewer service to over 600 houses within the City that remain without service. The new program includes projects prioritized over a 5-year period and adds new incentives to encourage owners to promptly connect to the sewer system once the service becomes available. The goal of this program is to enhance the environment by allowing for the elimination of septic tanks and leaching fields over time. At its June 12, 2001 Council meeting, the Tigard City Council approved the \$5.8 million program and the enhanced incentive package proposed.

Until now, the formation of reimbursement districts has been at random and has been greatly dependent upon interest shown by the residents within these areas. The new program builds on the successes of the Neighborhood Sewer Extension Program but goes well beyond the original intent of that program. It uses the formation of reimbursement districts as the mechanism for the improvements, but establishes a project priority list spread over a 5-year period to systematically extend sanitary sewer service to developed but unserved areas Citywide.

The residential areas that remain without service have been divided into thirty-four project areas listed in priority order of construction. The projects have been further divided into five fiscal years for inclusion into the City's Capital Improvement Program (CIP). There will be annual review of the projects during the formulation process for each year's CIP. The City will use the following criteria to adjust the project schedule as part of the annual review of projects:

- Project areas where there is a known immediate need for sewer service
- Installation of sewers in streets that are programmed for construction
- Projects not requiring permits or easements and are without legal complications
- Lot owner interest in the program

To further encourage prompt connection to the City's sewer system, City Council enhanced the current incentive program as follows:

- The current incentive program caps the amount at \$8,000 up to a maximum of \$15,000 for those residents that connect within a year after the sewer is made available. The new incentive program lowers the amount an owner is required to pay for a share of the public sewer from \$8,000 to \$6,000.

- The one-year period under the current incentive program is extended to three years after sewer service becomes available. The lot owners can connect to the sewer anytime during that three-year period to take advantage of this reduced fee.
- Refunds will be sent to all that have paid the higher fee under the old Incentive Program so they will receive the same benefit as those in the new program. Owners under the old program that have sewer service available but have not connected to the sewer will also be given an additional two years to connect to the sewer and take advantage of the reduced fee.

A resolution incorporating the enhanced incentives is submitted for City Council approval at the July 10, 2001 business meeting.

April 2001 Update

Engineering staff proposed to City Council the development of a Citywide Sewer Extension Program during the December 19, 2000 meeting. This program would include the recently annexed Walnut Island area and other unsewered areas throughout the City. Council provided direction to staff to proceed with development of a plan to extend sewers to unserved areas Citywide.

Engineering staff is in the process of drafting the Citywide Sewer Extension Plan. The plan will include a proposed sequence of implementation with list of prioritized projects and estimated costs for each of the projects. A package of incentives with cost implications will be packaged separately for Council consideration. The Plan is scheduled for presentation to Council in June 2001. If Council provides direction to proceed with the Plan, implementation will begin in FY 2001-02.

Goal 10 Expand citizen involvement opportunities.

Staff Responsible: Liz Newton

Tasks:

1. Focus on improved ways to inform the public.
2. Expand citizen involvement opportunities.
3. Make more effective use of media (Cityscape, cable television, City Web Page, press coverage, meetings, and public contact).
4. Strive toward a consistent public involvement effort.
5. Conduct a "City 101" education program for the public.

September 2001 Update

The *Tigard Times* continues to provide good coverage of Tigard with close to 90% of press releases published in July and August.

The Planning Commission received initial cable television training but additional training has been delayed until the details of the contract with Tualatin Valley Community Access are resolved. Training for Planning Commissioners should resume in January.

Improvements to the CIT program continue with a focus on the home-viewing audience. In November, staff announcements will appear on PowerPoint with maps for the home-viewing audience where appropriate. In January, staff expects to start accepting e-mail during the meeting and responding to questions or issues raised via e-mail. Meeting topics are being planned a few months in advance to allow adequate time for presentations to be prepared that are "cable ready."

The new webmaster started in September. Victor Soares is working with staff on a redesign of the web page that will look different and be more user friendly.

The department communicators are meeting on a regular basis to share ideas for creative communication tools, a consistent communication effort, and increase awareness among City staff of City priorities and projects.

July 2001 Update

In the second quarter of 2001, media coverage continues to be tracked with volunteers compiling the articles for the monthly reports. The City continues to get excellent coverage in the Times. Of particular note is an increase in the coverage of Library programs.

Ten individuals are in the process of being trained to operate the cameras in the Town Hall. In June, the Planning Commission was trained on how to appear on camera and their meeting was taped for training purposes. Planning Commission meetings are scheduled to begin being taped to air in August or September.

CIT meetings continue to be a forum for providing educational and instructional programming. In May a water conservation feature was presented and in July right-of-way maintenance was the featured topic. The July CIT meeting was pre-taped for the first time and aired on the regular schedule. The 2001-2002 budget includes funding for a webmaster position that will facilitate expanding the City's use of the web as a communication tool.

Staff continues to prepare and distribute the Community Connector communication every other week. Efforts will be made in the coming months to add connectors to the program. To that end, the Community Connector program was featured in a display at the Balloon Festival and will be featured at the City's 40th Birthday celebration.

April 2001 Update

In the first quarter of 2001, citizen involvement efforts focused on tracking media coverage, recruiting and training volunteers to operate the Town Hall cameras, and developing a series of informational programs to be presented at CIT meetings.

In February staff began tracking media contacts. All but one of the weekly press releases issued were picked up. The purpose of tracking the press releases is to get a better sense of the type of stories the press is interested in covering.

Six volunteers took the initial training to operate the cable television cameras in Town Hall. Staff is now scheduling volunteers to work on cable casting meetings so that their skill level will continue to improve.

At the February CIT meeting, a 30-minute program on Land Use 101 was presented.

In the next quarter, staff will continue to track media coverage, and work toward expanding volunteer involvement in cable programming with plans to add coverage of the Planning Commission meetings. CIT meetings will continue to be a forum for providing educational and informational programming.

A new focus will be exploring the use of the Internet and City's web page as a citizen involvement tool, including recruiting for Community Connectors on the web page. With 70% of the Portland area connected to the Internet, it is increasingly important to involve citizens through the use of the Internet.

Goal 11 Participate in the 2001 Oregon Legislative session.

Staff Responsible: Bill Monahan

Tasks:

1. Provide input to discussions of the Oregon Legislature regarding retention of telecommunication franchise fees for local government.
2. Provide input to the Oregon Legislature as it addresses concerns raised by voter approval of Measure 7.

September 2001 Update

Council continued to meet periodically with Tigard's legislative representatives. Appropriate staff members are attending sessions to receive updates on new legislation and laws affecting local governments (e.g., Secretary of State – election laws; League of Oregon Cities.)

July 2001 Update

Council met in April with Senators Deckert and Representative Williams and again in June with Senator Deckert to hear updates on legislative activity of interest to the City of Tigard.

Staff continued to monitor legislative activity, responding when needed (and when notification was received before a vote on the matter was scheduled) to requests from our legislators or the League of Oregon Cities.

The City prepared a proclamation in support of the Commuter Rail project to assist Senator Deckert and Representative Williams as they asked their colleagues for approval and funding of this project.

Other issues monitored included franchise fee authority for local governments, transportation funding, and the "Measure 7" committee.

April 2001 Update

Council met in December and February with Senator Ryan Deckert and Representative Max Williams. The Council gave input about telecommunication franchise issues and this discussion was followed up with information that was mailed to the legislators.

Council heard a report from Representative Williams who is the chair of a new committee formed to prepare a proposal to present a compromise to address Measure 7 through the legislative process.

The Council chose not to participate financially with the League of Oregon Cities' (LOC) lawsuit to challenge the constitutionality of Measure 7. The Council supports efforts by LOC to work with the legislature to develop an alternative to Measure 7, which leaves intact some of the elements of the Measure that the Council favors.

The Council was pleased to be invited to the legislative event, initiated by Representative Max Williams, honoring the late Mayor Jim Nicoli. The event was well attended and a fitting tribute to the contributions of Jim Nicoli.

Definitions:

- Goal** A specific direction that Council is taking. Reaching the goal may not be achieved in one year.
- Task** A specific activity taken in furtherance of the goal which can be achieved within a specific period of time.
- Issue** Matters of concern to the Council or raised by citizens over which Council may or may not have direct control for policy setting or decision making, but the City can contribute.

AGENDA ITEM # _____
FOR AGENDA OF October 23, 2001

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: Property Acquisition for Gaarde Street Improvements

PREPARED BY: Vannie Nguyen DEPT HEAD OK : A.P. Duenas CITY MGR OK: Bill Monahan

ISSUE BEFORE THE COUNCIL

Shall the City Council approve acquisition of the property owned by Todd St. John and Suzanne R. Slavich, a portion of which is needed for the Gaarde Street improvements?

STAFF RECOMMENDATION

Staff recommends that City Council, by motion, approve the acquisition of the St. John and Slavich property to allow for improvements of Gaarde Street between 121st Avenue and Highway 99W. Staff further recommends that City Council authorize the City Manager to execute the Purchase and Sale Agreement and make the payment to acquire the property.

INFORMATION SUMMARY

The improvement of Gaarde Street between 121st Avenue and Highway 99W is the 2nd phase of a two-phase capital improvement project approved in FY 2001-02. The 1st phase of the project is identified as *Gaarde Street Improvement - Phase 1* which was completed in August 2001. The 2nd phase widens Gaarde Street between 121st Avenue and Highway 99W to a 3-lane facility with bike lanes and sidewalks on both sides. This project also includes installation of a new traffic signal at the Gaarde Street/121st Avenue intersection and improvement to the 121st Avenue approach north of the intersection.

The project design is nearing completion. The project will be advertised for bids in January 2002 to permit construction to begin in the spring of next year. To ensure timely construction of the project, all properties needed for the improvements must be acquired by the end of this calendar year. As a result of the street widening, 41 parcels are affected by the project. One parcel that is located at 14040 SW 117th Avenue needs to be purchased entirely due to encroachment of the new sidewalk into the property.

The subject property is located at the southeast corner of Gaarde Street and 117th Avenue in an old and well-established neighborhood. The site contains 0.22 acres or 9,583 square feet and is zoned R-4.5, which is a Low-Density Residential designation. The house was built in 1955. It is a single-family dwelling with a gross living area of 1,400 square feet. The house contains 7 finished rooms plus a full bath, a half bath and a utility room. There is a two-car attached garage with a storage area at the rear of the structure. The overall condition

of the house is fair. The garage of the house is accessed from Gaarde Street and the front door of the dwelling faces 117th Avenue. Currently, the area in the driveway approach to the garage is inadequate for parking.

During the design of the proposed project, several roadway alignments were established to determine a “least impact” option to the residences along Gaarde Street. It became apparent that the needed rights-of-way near the intersection of Gaarde Street and 117th Avenue would pose difficulties due to the restrictions imposed by St. Anthony’s cemetery. The final alignment requires a 9.9-foot right-of-way taking from the cemetery on the north side and a 1.0-foot right-of-way taking from the subject property on the south side of Gaarde Street. Please note that 9.9 feet is the maximum allowable distance to encroach into the front yard of the cemetery without creating severe impacts to that property.

As a result of the acquisition, the distance from the new right-of-way and the building face of the St. John and Slavich property is only 0.58 feet at the west corner and 0.85 feet at the east corner of the house. Although it is a minor reduction in the site area, the proposed project would create a negative influence to the subject property due to closer proximity of street improvements to the house.

Staff has evaluated the option of purchasing only the required right-of-way and removing a portion of the house to provide a reasonable setback from the street. However, to compensate for the loss of the existing garage, a new garage would need to be re-built towards the back of the lot. Staff has estimated that the removal and the reconstruction costs would be approximately \$50,000, including the relocation cost of personal properties during the construction of a new garage.

Staff recommends that the City Council approve the purchase of the subject property at the appraised amount of **\$150,000** plus relocation benefits. Acquiring the entire property would be a cost saving to the City and would avoid a possible legal contest threatened by the owners. The owners agree to sell the property at this appraised value. The Purchase and Sale Agreement requires that the property and all premises must be vacant and ready for exclusive possession by the City no later than December 1, 2001.

Following approval of the City Council for purchase of the property, staff plans to dedicate approximately 60 square feet of the 9,583 square-foot lot for the public right-of-way and 100 square feet for the slope/utility easement. The building would be maintained at its current location and would be placed for sale later to recoup some if not all of the purchase price.

Oregon State law states that no individual would be required to vacate any dwelling until a comparable replacement has been found. Mr. St. John & Mrs. Slavich have found a property and are in the process of making an offer. They are eligible for relocation benefits, which include moving expenses and closing costs on both the purchase of their new property and on the City’s purchase of their current property. The actual relocation benefits will be accurately calculated and adjusted after all of the costs have been incurred.

The preliminary findings from the Phase 1 Environmental Site Assessment, which is being performed by Hahn and Associates, Inc., indicate that there is no evidence of recognized environmental conditions in connection with the subject property that would necessitate further environmental investigation. The written report is now being prepared.

OTHER ALTERNATIVES CONSIDERED

Acquire only the strip of land needed for the street expansion, and pay the costs for removal of a portion of the house and building a new garage towards the back of the lot. The Engineer's cost estimate of the removal and reconstruction of the structure is about \$50,000.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

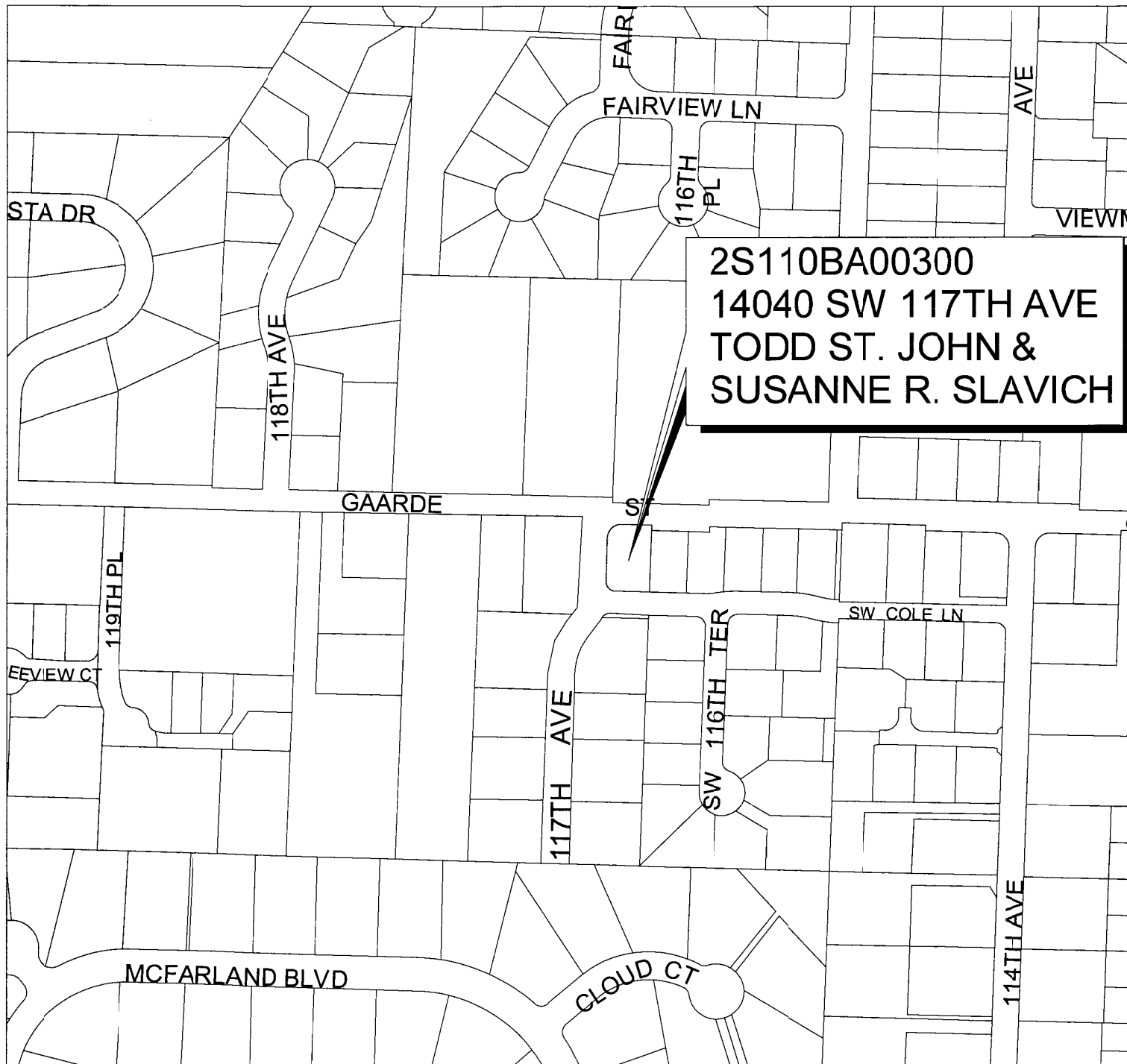
This project meets the Tigard Beyond Tomorrow Transportation and Traffic Goals of "Improve Traffic Safety" and "Improve Traffic Flow".

ATTACHMENT LIST

- Property location map.
- Photographs of the property.
- Engineering drawing showing the street improvements in front of the property.

FISCAL NOTES

This project is funded in the FY 2001-02 CIP using Traffic Impact Fee funding in the amount of \$1,840,000 for the design, construction and right-of-way acquisition for the project. \$270,000 has been expended on the project, leaving \$1,570,000 in the account. This amount is sufficient to purchase the property.

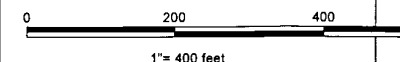


CITY of TIGARD

GEOGRAPHIC INFORMATION SYSTEM

VICINITY MAP Gaarde Street Improvements Phase II

2S110BA00300
14040 SW 117TH AVE
TODD ST. JOHN &
SUSANNE R. SLAVICH



1"= 400 feet



City of Tigard

Information on this map is for general location only and
should be verified with the Development Services Division.
13125 SW Hall Blvd
Tigard, OR 97223
(503) 639-4171
<http://www.ci.tigard.or.us>

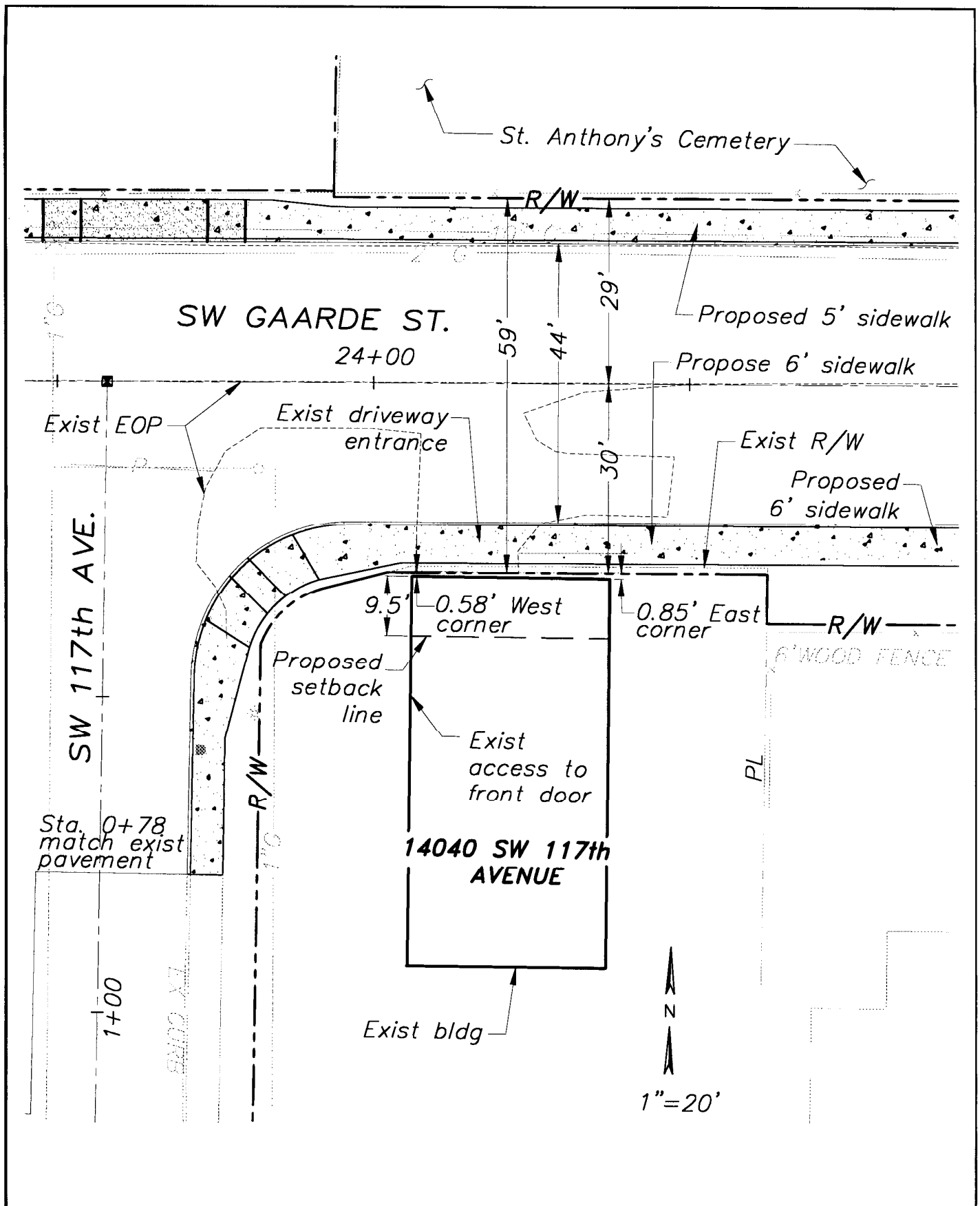
PHOTOGRAPHS OF SUBJECT PROPERTY



View of the subject dwelling looking across Gaarde Street at its intersection with 117th Avenue.



View looking east across 117th Avenue toward the subject property.



ENGINEERING DEPARTMENT
13125 S.W. HALL BLVD.
TIGARD, OREGON 97223
VOICE: (503) 639-4171
FAX: (503) 684-7297

GAARDE STREET IMPROVEMENTS-PHASE II
14040 SW 117TH AVE
ST. JOHN & SLAVICH PROPERTY

AGENDA ITEM # _____
FOR AGENDA OF 10/23/01

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE City County Insurance Services (CCIS) Trust – Resolution Acknowledging Contractual Relationship

PREPARED BY: Loreen Mills DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Agree to the Trust Agreement and Rules with City County Insurance Services Trust so that the City can enter into a contractual agreement with CCIS for continued property/casualty insurance coverage.

STAFF RECOMMENDATION

Approve the attached resolution.

INFORMATION SUMMARY

The City of Tigard has obtained its property and casualty insurance coverage for the last 3.5 years from CCIS. Due to some changes in the wording of the Trust Agreement and Rules, it is necessary that each member of the Trust adopt a resolution stating they have read and understand these changes. The resolution acknowledges this contractual relationship with CCIS and states that we have received copies of the Agreement and Rules and that we accept the terms and conditions of coverage. While the City Council doesn't normally receive this type of information from commercial insurance companies, CCIS is different in that Tigard is a member of the trust; therefore Council action is required.

The changes in the agreement are mostly clerical in nature and have not changed the substance of our coverage or relationship with CCIS. The City's Agent of Record, Mr. Ron Graybeal of JBL&K also recommends approval.

This action will not affect the outcome of the self-insurance review that is currently underway.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Resolution to approve.
CCIS Agreement & Rules.

FISCAL NOTES

Funds are budgeted for insurance through CCIS this fiscal year. This action will not change the needed funding for coverage in 2001-02.

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-

A RESOLUTION OF THE TIGARD CITY COUNCIL ACKNOWLEDGING A CONTRACTUAL RELATIONSHIP WITH CITY COUNTY INSURANCE SERVICES TRUST.

WHEREAS, City County Insurance Services Trust (CIS) is a trust established by the League of Oregon Cities (LOC) and Association of Oregon Counties (AOC) to create and administer pooled retention funds to protect members against the financial consequence of property, casualty, and workers compensation losses pursuant to coverage agreements;

WHEREAS, CIS provides its Members a broad array of risk management services, including risk financing, loss prevention and loss control programs, claims management and legal representation, risk management consulting, data gathering, information sharing, training and related services;

WHEREAS, the Tigard City Council finds that membership in CIS is a benefit in managing the risks involved in providing services to its citizens;

WHEREAS, Tigard has been provided with copies of the CIS Trust Agreement, Bylaws and Rules which have been recently updated and revised; and

WHEREAS, The CIS Bylaws, at Articles 2.2.2 and 3.3 provide that Articles 2 and 3 of the bylaws shall constitute a contract between the Member and CIS and that the Member shall adopt a resolution acknowledging that contractual relationship.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City of Tigard finds it financially desirable to currently use City County Insurance Services Trust (CIS) to provide risk financing, loss prevention and loss control programs, claims management and legal representation, risk management consulting, data gathering, information sharing, training and related services.

SECTION 2: The City of Tigard does hereby acknowledge and agree that it has received copies of the CIS Agreement and Declaration of Administrative Trust, Bylaws, and Rules and accepts the terms and conditions therein with respect to any CIS coverage programs in which it elects to participate and for which it is accepted as a Member by CIS.

EFFECTIVE DATE: This resolution shall be effective upon its passage by the Tigard City Council.

PASSED: This _____ day of _____ 2001.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

RESOLUTION NO. 01- ____

**CITY COUNTY INSURANCE SERVICES
AGREEMENT AND DECLARATION OF ADMINISTRATIVE TRUST**

THIS AGREEMENT AND DECLARATION OF ADMINISTRATIVE TRUST (hereinafter "Declaration") is made this 1st day of October, 2000, by and between the LEAGUE OF OREGON CITIES ("League") and the ASSOCIATION OF OREGON COUNTIES ("Association"), acting through their respective Boards of Directors.

RECITALS

I. The LEAGUE is an intergovernmental entity established by intergovernmental agreement pursuant to Oregon Revised Statutes Chapter 190 to perform governmental purposes and functions, to promote the common interests of its member cities and to institute programs to assist those members in performing their proper functions at the least cost to their taxpayers.

The ASSOCIATION is an organization for intergovernmental cooperation created by its member counties pursuant to ORS 190.010 to ORS 190.110 to promote the common interests of its member counties and to institute programs to assist those members in performing their proper functions at the least cost to their taxpayers.

The above intergovernmental agreements authorize the League and Association to establish by trust or agreement a means to provide risk management and insurance services to their members.

This Declaration is adopted as an intergovernmental agreement pursuant to ORS 190.010 and establishes an intergovernmental entity as permitted by ORS 190.010(5). Such entity shall be known as the City County Insurance Services (CIS), and shall be administered pursuant to this Declaration.

II. On June 22, 1958, the League established a trust known as the League of Oregon Cities Insurance Trust to provide employee welfare benefits to employees of League members. The trust was revised and restated November 1, 1984, and its name was changed to the League of Oregon Cities Employee Benefits Services Trust ("EBS Trust"). The EBS Trust Agreement was restated again on October 14, 1988, and is attached and incorporated as Exhibit A.

On March 11, 1960, the Association established a trust known as the Association of Oregon Counties Insurance Trust ("AOCIT") to provide employee welfare benefits to employees of Association members. The AOCIT was revised January 1, 1993 and restated on July 1, 1993, and is attached and incorporated as Exhibit B.

On July 1, 1981, the League and the Association established the City/County Insurance Services Trust (the "1981 CIS Trust") to provide property, liability and workers' compensation insurance coverage to their members. The 1981 CIS Trust was revised February 1, 1988. A copy of the revised Trust is attached and incorporated as Exhibit C.

On April 16, 1993, the League and the Association adopted the City/County Insurance Services Declaration And Agreement of Trust (the "1993 CIS Trust") which established a trust and a successor board of trustees, and consolidated the Exhibit A, B and C trusts for administration by

that successor board. The 1993 CIS Trust, amended November 18, 1994, created an entity known as the "CIS Trust" pursuant to ORS 190.010(5), the existence of which is ratified hereby.

This Declaration (also referred to as the "ADMINISTRATIVE TRUST") is effective October 1, 2000, and constitutes a revision and restatement of the above 1993 CIS Trust Declaration as amended in 1994. The principal purpose of this DECLARATION is to consolidate administration of the EBS Trust, the AOCIT, and the CIS Trust in the Board of Trustees of this ADMINISTRATIVE TRUST to accomplish the further objectives set forth in the following Recitals:

III. In furtherance of the above, the LEAGUE and the ASSOCIATION, for the benefit of their respective members, agree:

- A. To continue and improve the CIS Trust program whereby the risks incurred by their member governments in the areas of tort liability, property loss, and workers' compensation may be effectively and economically managed, and whereby insurance and self-insured retention of such risks may be most responsibly and economically funded.
- B. To continue to provide and improve the EBS Trust programs and the AOCIT programs to which contributions from participating employers and contributions, if any, from participating employees can be paid and through which the Trust can create and administer health and welfare benefit plans, including (a) life, dependent life, accidental death and dismemberment insurance; (b) health benefits; and (c) disability benefits for non-occupational illness or injury, according to sound actuarial and underwriting principles.
- C. To consolidate administration of the three existing trusts.

IV. This Declaration shall constitute a ratification, revision and restatement of the City/County Insurance Services Declaration and Agreement of Trust between the same parties dated November 18, 1994; provided, however, that amendments therein to the EBS Trust and the AOCIT are not rescinded.

IN CONSIDERATION of the benefits to be derived for their respective members, and the mutual covenants and conditions herein contained, the LEAGUE and the ASSOCIATION declare and agree as follows:

ARTICLE 1. DEFINITIONS

For the purposes of the consolidated administration of the CIS Trust, the EBS Trust and the AOCIT, the definitions of the EBS Trust Agreement, as restated October 14, 1988, and of the AOCIT Agreement, revised and adopted June 14, 1993, shall apply unless the context clearly indicates otherwise, and “Board of Trustees” or “Trustees” means the CIS Board of Trustees, designated under Article 2 of this Declaration to administer the trust plans of the CIS Trust, the EBS Trust, and the AOCIT.

ARTICLE 2. BOARD OF TRUSTEES.

2.1 The ADMINISTRATIVE TRUST shall be governed by a Board of Trustees composed of ten Trustees. Four Trustees shall be appointed by the Board of Directors of the LEAGUE and four shall be appointed by the Board of Directors of the ASSOCIATION. The Executive Directors of the LEAGUE and the ASSOCIATION shall serve as Trustees. The LEAGUE and the ASSOCIATION, with respect to the Trustees appointed by each, shall adopt their own rules and procedures for the appointment, tenure, and removal of Trustees, subject to the following minimum standards:

2.1.1 If Trustees are appointed for a fixed term, terms shall be for no less than one year, and shall be staggered so that no more than one LEAGUE-appointed Trustee's term, and no more than one ASSOCIATION-appointed Trustee's term expires during any calendar year.

2.1.2 As a qualification for appointment and continued service, each appointed Trustee shall be an elected or appointed official of a city or county which is a member of the LEAGUE or ASSOCIATION appointing the Trustee and which is a participant in one or more coverages offered by the ADMINISTRATIVE TRUST.

2.1.3 In order to insure the faithful, independent, and impartial exercise of judgment and discharge of their obligations, Trustees shall, during their term of office, be subject to removal only for just cause. Nonattendance at three consecutive regular board meetings shall constitute good cause.

2.1.4 No Trustee shall serve, and no appointment shall be effective until such appointee acknowledges in writing full and unconditional acceptance of the terms of this Declaration and Agreement.

2.2 In the event of a Trustee's resignation, ineligibility (including disqualification under Paragraph 2.1.2 hereof), removal, or refusal to act, a successor Trustee shall be appointed as provided in Paragraph 2.1 hereof.

2.2.1 If the Trustee being replaced was serving a fixed term, the successor Trustee shall be appointed to serve the remainder of the unexpired term.

2.2.2 In the event that a Trustee shall cease to be qualified pursuant under Paragraph 2.1.2 hereof as an elected or appointed official, such Trustee may continue to serve for a period of 90 days or until appointment of a successor, whichever shall come first.

2.2.3 In the event that a Trustee shall cease to be qualified under Paragraph 2.1.2 hereof as an elected or appointed official of a participant in one or more coverages offered by the ADMINISTRATIVE TRUST, such Trustee may continue to serve for a period of one year, or until appointment of a successor, whichever shall occur first.

2.2.4 If a Trustee, within the times set forth in Paragraphs 2.2.2 or 2.2.3 above, shall again be qualified to serve, then such Trustee shall continue to serve as if such period of disqualification had not occurred.

2.3 Should a vacancy exist among the Trustees, the remaining Trustees shall have full power to act as the Board of Trustees.

2.4 Trustees, officers and agents of the ADMINISTRATIVE TRUST shall use ordinary care and reasonable diligence in the exercise of their powers and in the performance of their duties.

2.5 Trustees, officers and employees of the ADMINISTRATIVE TRUST shall be entitled to all rights, indemnities, immunities and defenses as provided to other public officials pursuant to the Oregon Tort Claims Act.

2.6 The Board of Trustees shall require designated persons performing services to the ADMINISTRATIVE TRUST under the above provisions to be bonded or insured in a form and amount set by the Board of Trustees.

2.7 The Board of Trustees shall be chaired by one of the appointed members chosen in accordance with the Board of Trustees' bylaws, and, in the absence of the chair, by a vice-chair chosen in accordance with the bylaws; provided, however, that the chair and vice-chair shall alternate annually between appointees of the LEAGUE and the ASSOCIATION so that each body is represented by an appointee holding one office or the other in any year, and the following year the representation is reversed.

2.8 The Board of Trustees shall hold an annual meeting between January 1 and June 15 of each year, and shall meet at such other times as may be necessary with the concurrence of any six Trustees or upon call of the chair. At the request of the LEAGUE or the ASSOCIATION, the Board of Trustees shall meet with Boards of Directors of the LEAGUE or the ASSOCIATION, jointly or separately.

2.9 Six Trustees shall constitute a quorum; provided, however, that if there are three or more vacancies in Trusteeships, the remaining Trustees shall constitute a quorum and shall have full power to transact business and act for the ADMINISTRATIVE TRUST.

2.10 All ADMINISTRATIVE TRUST action shall require affirmative votes of a majority of the members of the Board.

2.11 The chair or vice-chair of the Board of Trustees shall execute on behalf of the ADMINISTRATIVE TRUST all contracts, documents, and pleadings as may be approved by the Board of Trustees; provided that the Board of Trustees may delegate to any person or firm engaged pursuant to Paragraphs 4.1.2, 4.1.3, or 4.1.4, 4.1.12 a limited agency authority to bind

the ADMINISTRATIVE TRUST in certain cases or kinds of transactions to be specified in writing by the Board of Trustees.

ARTICLE 3. PURPOSES OF ADMINISTRATIVE TRUST.

3.1 The express purposes and primary objectives of the ADMINISTRATIVE TRUST are:

3.1.1 To provide for the consolidated administration of the trusts described in the Recitals.

3.1.2. To make available to the LEAGUE and ASSOCIATION, and to those members who choose to participate, membership services in the form of a broad array of risk management services, including but not limited to risk financing, loss prevention and loss control programs, claims management and legal representation, risk management consulting, data gathering, information sharing, training and related services;

3.1.3 To stabilize costs associated with financing risk by aggregating the collective buying power of LEAGUE and ASSOCIATION members to secure the economic advantages of group purchase, joint self-insurance and pooled risk retention;

3.1.4 To assure that there is available to LEAGUE and ASSOCIATION members a market for liability, property and workers' compensation insurance coverage appropriate to the risks to which such members are exposed;

3.1.5 To create and administer health and welfare benefit plans according to sound actuarial and underwriting principles for members of the LEAGUE and ASSOCIATION, and such other local governments whose participation may be approved by the LEAGUE and ASSOCIATION.

3.1.6 To create and administer pooled self-insured retention fund(s) for members of the LEAGUE and ASSOCIATION, and such other local governments whose participation may be approved by the LEAGUE and ASSOCIATION, and to establish actuarially sound contribution schedules for participants in such pool(s) at appropriate retention levels;

3.1.7 To provide leadership in collaboration with CIS members, the LEAGUE and the ASSOCIATION in presenting to appropriate legislative and administrative bodies and committees information related to the programs administered pursuant to this Declaration.

3.1.8 To receive, account for, invest, and disburse, as lawfully due and payable, moneys collected from participating cities, counties and other local governments as premiums, fees, and other contributions to the ADMINISTRATIVE TRUST, and to establish and maintain reserves reasonably required to provide security and stability to the Trust Plans.

3.1.9 To be a leader in working with other programs and affiliates of AOC and LOC on issues of joint interest.

3.1.10 To recognize the diversity of Oregon's cities and counties and make every effort to design and actively market innovative and competitive risk management products and services appropriate for their wide range of needs and interests.

3.2 The above purposes and objectives of the ADMINISTRATIVE TRUST shall be construed to include those purposes stated in the trusts described in the Recitals.

3.3 The foregoing expression of purposes is not exhaustive, and in addition to other related objectives reasonably inferred from that list, the ADMINISTRATIVE TRUST shall have such other objectives, not inconsistent with this Declaration, as may be lawful for a trust or an intergovernmental association under Oregon law.

3.4 To the extent of any conflict or inconsistency between this Declaration and the declarations of trust described in the Recitals, this Declaration shall control.

ARTICLE 4. POWERS, DUTIES, AND FUNCTIONS OF BOARD OF TRUSTEES.

4.1 In furtherance of the purposes set forth above, the Board of Trustees shall have the following powers and duties:

4.1.1 To act as the trustees of the trusts described in the Recitals, to exercise the trustee powers described in the declarations of those trusts, and to administer those trusts as described in this Declaration.

4.1.2. To approve the provisions of ADMINISTRATIVE TRUST plans, programs and policies;; determine, increase, decrease, or terminate, in whole or in part, the benefits and coverage provided by the ADMINISTRATIVE TRUST plans, programs and policies; select the carriers providing the benefits and to exercise all rights granted to a policy holder; and establish or modify rules of eligibility for benefits and employer participation.

4.1.3 To engage and oversee, as the Board of Trustees deems appropriate, the services of competent insurance agents and brokers to negotiate on behalf of the TRUST with insurance underwriters, and to market coverage and services to prospective participants in the ADMINISTRATIVE TRUST'S services.

4.1.4 To engage, employ and oversee, as the Board of Trustees deems appropriate, the services of competent professionals and consultants to manage or assist in the management, collection, investment, and disbursement of ADMINISTRATIVE TRUST funds.

4.1.5 To engage, employ and oversee the services of competent administrators and other staff to provide risk management and insurance related services to the ADMINISTRATIVE TRUST and its participants, including such claims reporting and adjusting, record keeping, information sharing, loss control and prevention consulting, and such related administrative and consulting services as the Board of Trustees deems appropriate, and to delegate such administrative authority deemed necessary or convenient by the Board.

4.1.6 To review and approve policy forms, service contract forms, and other documents appropriate to the operation of the ADMINISTRATIVE TRUST, and to establish the limits of authority of the persons engaged under Paragraphs 4.1. 2, 4.1. 3 and 4.1. 4.

4.1.7 To establish methods of calculating premiums for insurance coverages offered, and other service fees to be charged to participants in the ADMINISTRATIVE TRUST'S services; and to establish procedures for the collection, investment, and disbursement of moneys owed to and by the ADMINISTRATIVE TRUST, and actions to be taken with respect to delinquent accounts receivable.

4.1.8 To establish and maintain, from contributions and other assets of the ADMINISTRATIVE TRUST, reserves necessary according to sound actuarial and underwriting principles to provide stability and security to the ADMINISTRATIVE TRUST'S programs.

4.1.9 To provide for complete accounting, and at least annually, audit of the funds received, invested, kept and disbursed by the ADMINISTRATIVE TRUST; and to establish such accounts with financial and investment institutions and brokerages as may be necessary and prudent for the proper management of ADMINISTRATIVE TRUST funds. All such funds of the ADMINISTRATIVE TRUST may be aggregated for purposes of deposit, investment and disbursement. However, records of moneys received and disbursed shall also be maintained by classes of local governments participating in each of the separate programs and services of the ADMINISTRATIVE TRUST. Funds from each separate program of the ADMINISTRATIVE TRUST shall not be commingled but shall be held and used exclusively for the benefit of current and past participants of each separate program. This shall not preclude payment for shared administrative costs in such proportions as the Board of Trustees, in its discretion, may determine.

4.1.10 To acquire and retain, to the extent allowed by state law, every kind of property, real, personal or mixed, and every kind of investment, specifically including, but not by way of limitation, bonds, debentures, and other corporate or government obligations, interests in common trust funds, and securities of any open-end or closed-end management type investment company or investment trust, provided that in the making of investments the Trustees shall comply with the investment limitations of applicable law and investment policies of the Board.

4.1.11 To hold title to all investments or other assets of the ADMINISTRATIVE TRUST in the name of the TRUST, provided that for convenience in transferring bonds or other negotiable securities, title to the securities may be held in the name of the ADMINISTRATIVE TRUST'S custodian bank, or of its nominee

4.1.12 To maintain accurate records and accounts of all transactions, consistent with generally accepted accounting practices, which shall be available at all reasonable times for inspection by members, participating employers or beneficiaries.

4.1.13 To contract with the LEAGUE and the ASSOCIATION for such services and facilities as the Board of Trustees shall consider necessary and appropriate. The Board of Trustees may pay for such services and facilities out of ADMINISTRATIVE TRUST funds.

4.1.14 To compensate the LEAGUE and the ASSOCIATION for the use of their name and goodwill in support of marketing the products and services of the ADMINISTRATIVE TRUST. The Board of Trustees may pay such compensation out of ADMINISTRATIVE TRUST funds to the extent permitted by applicable law and prudent under pertinent tax laws.

4.1.15 To establish such advisory committees as the Board of Trustees deems advisable to assist in policy and operations of the ADMINISTRATIVE TRUST; and to appoint qualified persons to such committees to serve at the pleasure of the Board of Trustees.

4.1.16 To promulgate bylaws, policies and regulations for the operation of the Board of Trustees and the ADMINISTRATIVE TRUST consistent with the provisions of this Declaration and Agreement and the trusts described in the Recitals.

4.1.17 To exercise such other powers and to prepare and execute such other documents and agreements as may be lawful and necessary to implement more fully this Declaration and the purposes thereof.

ARTICLE 5. USE OF ADMINISTRATIVE TRUST FUNDS.

5.1 Without further specific action of the Board of Trustees, but subject to any limitations or conditions set by the Board of Trustees in its bylaws or regulations, the administrators designated by the Board of Trustees shall disburse or authorize disbursement of moneys from funds of the ADMINISTRATIVE TRUST for any of the following purposes:

5.1.1 Payment of moneys due and certain under or by virtue of any contract, bond, benefit, plan or policy of insurance made or obtained by or on behalf of the ADMINISTRATIVE TRUST, or pursuant to any pooled self-insured retention fund established by the ADMINISTRATIVE TRUST;

5.1.2 Investment and reinvestment of ADMINISTRATIVE TRUST funds under such standards and limitations as may be approved by the Board of Trustees;

5.1.3 Payment of premiums due on fidelity, performance, errors and omissions, or other bonds and insurance which the Board of Trustees may require in its bylaws to protect the ADMINISTRATIVE TRUST and its Trustees and employees;

5.1.4 Reasonable and necessary expenses incurred by Trustees and employees for such items as travel, meals, lodging, telephone calls, and other out-of-pocket expenses incurred in performing their duties; provided that the personal services and time devoted by Trustees shall not be compensated.

5.1.5 Any other purpose authorized by this Declaration or by the trusts described in the Recitals.

5.2 Except as provided in Paragraph 5.1, or as authorized in a budget duly adopted by the Board of Trustees, ADMINISTRATIVE TRUST funds shall not be disbursed, expended or obligated without express approval of the Board of Trustees.

5.3 The Board of Trustees shall provide for an annual audit of ADMINISTRATIVE TRUST funds and operations, and for such interim audits as it deems necessary. Copies of such audits shall be furnished to each Trustee, and to the LEAGUE and the ASSOCIATION. The cost of such audits shall be paid out of ADMINISTRATIVE TRUST funds.

5.4 The Board of Trustees shall adopt an annual budget, consistent with generally accepted government budgeting principles, not later than the last day of June of each year. Such budget shall identify revenue and expenses for each ADMINISTRATIVE TRUST program, including but not limited to the trusts described in the Recitals. The Board of Trustees or its administrator shall, in the process of preparing the annual budget, solicit the advice of the LEAGUE and the ASSOCIATION regarding services required by their respective members.

5.5 Income from investments of the ADMINISTRATIVE TRUST in excess of obligations payable under this Article may, at the direction of the Board of Trustees, be distributed in whole or in part, from time to time, to local government participants in the program, either directly or by way of reduction of premiums, contributions, or other fees assessed to participants. Such distributions shall be based upon such formula as the ADMINISTRATIVE TRUST shall approve which includes both losses incurred and proportionate premiums, contributions, and fees paid by individual local governments participating in the program during the period since the last distribution, if any. Except as provided in this section, investment income shall remain with the ADMINISTRATIVE TRUST for reinvestment or satisfaction of the obligations of the ADMINISTRATIVE TRUST as provided in Paragraphs 5.1 through 5.3.

ARTICLE 6. ELIGIBILITY FOR PARTICIPATION AND TERMINATION.

6.1 Subject to the terms of the trusts described in the Recitals and to regulations adopted by the Board of Trustees, the LEAGUE, the ASSOCIATION and each of their members shall be eligible to participate in the coverage, programs and services offered by or through the ADMINISTRATIVE TRUST.

6.2 In addition, "public bodies" as defined in ORS 30.260 (4) (b) and (c), may be allowed to participate in ADMINISTRATIVE TRUST programs and services.

ARTICLE 7. INTEREST IN ADMINISTRATIVE TRUST PLAN ASSETS

7.1 Neither participating employees, participating employers, beneficiaries, parties to the Trust Plans nor any other person or entity shall have any right, title, or interest in the assets of the ADMINISTRATIVE TRUST.

7.2 Neither participating employees nor beneficiaries shall have any right to assign any benefits provided by any employee benefit plan of the ADMINISTRATIVE TRUST except to a beneficiary or to a provider of medical or hospital services. The benefits provided by plans of

the ADMINISTRATIVE TRUST shall not be subject to seizure by legal process or be in any way subject to the claims of creditors of a participating employee or beneficiary except for an authorized assignment to a provider of medical or hospital services.

7.3 For the purposes of this Declaration, the assets of the EBS Trust, AOCIT and 1981 CIS Trust shall be the property of the ADMINISTRATIVE TRUST.

ARTICLE 8. DISSOLUTION OR TERMINATION OF ADMINISTRATIVE TRUST.

8.1 This ADMINISTRATIVE TRUST may be voluntarily dissolved upon declaration of the LEAGUE, acting through its Board of Directors, or the ASSOCIATION, acting through its Board of Directors. Such declaration of dissolution shall not become effective until delivered, in writing, to each Trustee, and to the chief administrative officer or governing body of each participating city, county, and other public body, and then not until the happening of either of the following:

8.1.1 Expiration or termination of every policy, contract, or other agreement under which any city or county participates in the services offered by the ADMINISTRATIVE TRUST, or is indemnified or insured by or through the ADMINISTRATIVE TRUST; or

8.1.2 The adoption and approval of a distribution plan pursuant to paragraph 8.3.

8.2 This ADMINISTRATIVE TRUST shall automatically terminate and dissolve upon the first occurrence of any of the following:

8.2.1 The date, on which there are no members of the LEAGUE or ASSOCIATION then participating in the services offered by or indemnified or insured by or through the ADMINISTRATIVE TRUST;

8.2.2 The date on which all cities and counties then participating in the ADMINISTRATIVE TRUST cease to be members of the LEAGUE or the ASSOCIATION; or

8.2.3 Upon the dissolution, adjudication of bankruptcy, or appointment of a receiver for either the LEAGUE or the ASSOCIATION.

8.3 Upon dissolution or termination of the ADMINISTRATIVE TRUST;

8.3.1 The balance, if any, of assets arising from property/casualty programs of the ADMINISTRATIVE TRUST remaining after satisfaction of all obligations of the ADMINISTRATIVE TRUST shall be distributed according to a plan furthering the purposes of this ADMINISTRATIVE TRUST and adopted by the Board of Trustees with the approval of the LEAGUE and the ASSOCIATION. In the event such a plan is not approved within 180 days of such termination or dissolution, such remaining assets shall be distributed among those local governments who were participants in the ADMINISTRATIVE TRUST at any time during the 12 months immediately preceding dissolution or termination, in proportion to their individual actual payments made to the ADMINISTRATIVE TRUST of premiums, contributions, and fees during that 12 month period.

8.3.2 The balance, if any, of assets arising from health and welfare benefits programs of the ADMINISTRATIVE TRUST remaining after satisfaction of all obligations of the ADMINISTRATIVE TRUST shall be applied to purchase or provision of benefits which the Board of Trustees may determine for employers who are participating employers on the date of termination, or for individuals who are participating employees or beneficiaries on the date of termination. The Trust Plans' assets shall not revert to, or be used for, the Trustees of the Board of Trustees or the LEAGUE or the ASSOCIATION.

8.4 Automatic termination as provided in Section 8.2 shall not affect the rights of any participating local government under any policy of insurance underwritten by an insurer other than the ADMINISTRATIVE TRUST.

8.5 Upon dissolution or termination of the ADMINISTRATIVE TRUST, the Board of Trustees shall continue to act for the purpose of dissolution and the execution of all instruments which may be required to dissolve and liquidate the Trust Plans or ADMINISTRATIVE TRUST.

8.6 Termination or dissolution of the ADMINISTRATIVE TRUST shall not cause termination or dissolution of the trusts described in the Recitals. Such trusts shall dissolve or terminate according to the terms of each trust declaration.

ARTICLE 9. AMENDMENTS.

9.1 This Declaration and Agreement may be amended from time to time by mutual written agreement of the LEAGUE and the ASSOCIATION acting through their respective Boards of Directors; provided that the LEAGUE and the ASSOCIATION deliver to each Trustee a full copy of the proposed amendment at least ten days prior to taking any action approving the amendment, and consider any written or oral comments by the Trustees either individually or as a Board of Trustees prior to such action.

9.2 No amendment shall operate to the prejudice of any vested rights held by any participant in the program under a policy, contract, or other document for the benefit of such participants.

9.3 The ADMINISTRATIVE TRUST shall not be amended in any manner inconsistent with the legal requirements applicable to the ADMINISTRATIVE TRUST to permit the ADMINISTRATIVE TRUST'S assets, or any part thereof to revert, or be diverted, to the benefit of any employee or any person other than the Participating Employers, Participating Employees or Beneficiaries to the extent contributions were made for the benefit of the Participating Employees or Beneficiaries. An amendment, by its terms, may be retroactive.

ARTICLE 10. SEVERABILITY.

If any provision of this Declaration and Agreement is adjudicated to be invalid, unenforceable, or unconstitutional, the remainder of the provisions not subject to such adjudication shall not be affected and shall continue in full force and effect.

IN WITNESS WHEREOF, the LEAGUE and the ASSOCIATION have approved the foregoing amendments on the 1st day of October 2000.

ASSOCIATION OF OREGON COUNTIES

President

Executive Director

LEAGUE OF OREGON CITIES

President

Executive Director

CITY COUNTY INSURANCE SERVICES TRUST
LOSS FUND PROTECTION AND SURPLUS DISTRIBUTION
RULE NUMBER 1

This Rule, effective July 1, 2001, supercedes and replaces Rule Number 1 ("Net Income Distribution"); Rule Number 2 ("Contribution and Loss Allocation"); and the policy statement on "Loss Fund Surplus" dated April 14, 1989.

The City County Insurance Services (CIS) Board of Trustees adopts the following **rule** regarding the protection of **CIS Trust Loss Funds** for pooled self-insurance operations and the distribution of surplus from such funds.

A. Loss Funds.

CIS Trust Loss Funds consist of Member Contributions, investment earnings and other miscellaneous revenue.

For such coverage as the Member elects in a Fund Year, an "Initial Contribution" is charged in accordance with CIS rating guidelines. CIS rates are based on estimated losses expected expenses and a prudent level of reserves determined by the Board.

In any one Fund Year, the Board's targeted reserve funding level is an amount sufficient to pay the maximum probable claims in that year at confidence levels determined by the Board upon the advice of its consulting actuary.

"Initial Contributions" represent a deposit into the Loss Fund against which losses and expenses are charged.

The Board may impose "Deferred Contributions" as described in **Section B** of this rule, in the event that:

- (1) Ultimate losses and expenses exceed Loss Fund revenues for the Fund Year, and**
- (2) In the judgement of the Board, this shortfall presents a threat to the overall fiscal viability of the Trust's Loss Funds,**

The Board may declare a Surplus distribution as described in **Section C** of this rule when Loss Fund amounts exceed ultimate losses, expenses and the Board's target level for outstanding claims reserves.

B. Deferred Contributions:

If the Board determines that the collection of "Deferred Contributions" is necessary in order to protect Member assets in one or more Loss Funds, then the following will apply:

- (1) Deferred Contributions shall be assessed against the Members who participated for such coverage during the Fund Year for which such Deferred Contribution applies. Amounts due shall be in the proportion that each such Member's contribution and share of losses bear to the total contributions and shared losses of all Members for such coverage in such Fund Year.
- (2) An Entity that participated as a Member during the Fund Year for which Deferred Contributions are assessed is obligated to pay such Deferred Contribution when requested by the Board, regardless of its membership status at the time such Deferred Contributions are imposed.
- (3) The total of all contributions paid by a Member for a coverage for a Fund Year, including any Deferred Contributions paid pursuant to this rule, shall be used for purposes of determining distribution of Surplus as described in Part C of this rule.
- (4) Members shall be notified by January 31 if the Board proposes to collect Deferred Contributions in the upcoming fiscal year beginning July 1. The Board shall advise Members of their individual Deferred Contribution amount not later than March 31. Such amount will be due and payable at the same time as contributions for fiscal year coverage.
- (5) A Member's Deferred Contribution will not exceed 50% of its Initial Contribution.

C. Surplus Distribution.

"Surplus," is defined in the CIS Bylaws (Article 1.17) as "those monies remaining in a Loss Fund after the payment of the costs of administration and excess insurance, payment of claims and establishment of prudent reserves for outstanding claims"

No distribution of Surplus funds will be made until reserve funds for outstanding claims have been accumulated to the target levels set by the Board, and then only to the extent such reserve levels are not impaired.

If the Trustees determine that, consistent with this rule, a distribution of Surplus is appropriate, funds shall be distributed to the Members in accordance with the following:

- (1) If the Board declares a distribution of Surplus funds for one or more Fund Years, it may direct staff to offset such distribution for individual Members by some, or all, of any Deferred Contributions that Member may be required to pay under Part B of this rule.
- (2) No Member shall have a right to any specific share of Surplus funds except as herein provided.
- (3) Distributions, as determined herein, and with appropriate offset for Deferred Contributions, shall be by means of loss stabilization credits held in the name of the Member and available to apply against future contributions or, at the sole discretion of the Board, by means of cash payments to current Members. Loss stabilization credits accruing to non-Members expire on July 1 following three complete Fund Years after the distribution is made.
- (4) No distribution of Surplus shall be made in any manner to any Member which withdraws prior to the end of the period of Membership established by the Trust, which period shall not exceed three (3) full Fund Years.
- (5) At such time as the Board determines an amount of Surplus available for distribution, said Surplus shall be distributed as follows:
 - i. One-third (1/3) of the Surplus will be distributed to Members who made contributions in the Fund Year, for the coverage for which Surplus is to be distributed. The proportion is that which each Member's contribution bears to the total contributions of all Members in the Fund Year, for the coverage for which Surplus is to be distributed.
 - ii. Two-thirds (2/3) of the Surplus will be distributed to Members who made contributions in the Fund Year, for the coverage for which Surplus is to be distributed. The proportion is that which each Member's contributions, less incurred losses, bears to the total contributions, and less total incurred losses, of all Members in the Fund Year, for the coverage for which Surplus is to be distributed. However, no distribution shall be made of the two-thirds of Surplus to Members whose contributions, in the Fund Year, for the coverage for which Surplus is to be distributed, are less than their incurred losses.
- (6) More than one distribution may be made for a given coverage for any Fund Year. In the event of a second, or subsequent, distribution the amount to be distributed to a Member shall be computed in accordance with this rule, based on contributions and loss information as of the date of such later distribution. The amount so determined shall be reduced by any amounts previously distributed to the Member. No adjustment will be made due to changes in incurred losses after the date of the distribution.

D. Other Provisions.

The following also apply to CIS Loss Funds.

- (1) Payment of Claims. The Trust will make or secure payment or settlement of claims in accordance with the terms and conditions of the coverage agreements.
- (2) Excess Losses. In the event that a single loss or series of losses may exceed the amount of protection afforded by the Loss Fund, other insurance carried by the Trust and provisions for Deferred Contributions under this rule, payment of valid losses shall be the obligation of the individual Member or Members against whom the claim(s) were made and perfected by judgment or settlement.
- (3) Transfer Among Loss Funds. The Trustees may, in their sole discretion, transfer monies among CIS Trust Loss Funds, in the event of a deficit in any one Loss Fund in a Fund Year. However, such transfers shall be made only when there is a reasonable expectation that repayment can be made from future contributions and earnings of the Loss Fund that has incurred the deficit.

CITY COUNTY INSURANCE SERVICES TRUST APPLICATION OF AGGREGATE PAID LOSS DEDUCTIBLE RULE NUMBER 2

Adopted April 6th, 2001.

The following supercedes and replaces Rule 3 adopted 8/16/91

The City County Insurance Services Trust (CIS) adopts the following Rule regarding the application of aggregate paid loss deductibles for all Fund Years beginning on or after July 1, 1987.

1. Paid losses shall be invoiced and paid quarterly. Amounts due under the deductible shall be considered Contributions subject to the provisions of Articles 2.8 and 3.1.1. of the CIS Bylaws.
2. For ease of administration, the liability deductible shall apply jointly to general automobile liability losses. The obligation of the Member to pay for losses shall cease when the aggregate amount paid equals the amount of the deductible, regardless of the type of the claims involved.
3. CIS and any Member with a deductible may, by mutual written agreement, agree to a liquidated value for the remaining payments due under the deductible.
4. Surplus Distribution which may be due to a Member pursuant to Rule Number 1 shall be computed as if the Member had no deductible. From such distribution shall be deducted the savings, if any, resulting to the Member from the deductible. For liability coverage such savings shall be computed by allocating the deductible between general liability and automobile liability based on initial contributions, less paid losses for each coverage.
5. For liability coverage, Contributions and Loss Allocation pursuant to Rule Number 1 shall be computed as if the Member had no deductible and the full amount of the initial Contributions had been paid.

**CITY COUNTY INSURANCE SERVICES TRUST
OPTIONAL DEFENSE BY MEMBER
RULE NUMBER 3**

Adopted April 6th, 2001.

The following supercedes and replaces Rule 5 adopted 8/16/91

The City County Insurance Services Trust (CIS) adopts the following Rule relating to Optional Defense by Member, pursuant to Article 3.2 of the Trust Bylaws.

1. In any casualty case or claim where CIS staff or claims administrators reasonably believe a Member will object to settlement, the following actions shall be taken:
 - a. The Member shall be advised in writing of the nature of the proposed settlement and of the Trust's reason, in summary, for recommending such settlement.
 - b. The Member shall be advised in writing of its right to refuse to accept the settlement, on the terms set forth in the Trust Bylaws.
2. A Member electing to refuse a settlement shall execute an agreement with the Trust accepting responsibility for all additional costs as set forth in Article 3.2 of the Trust Bylaws.
3. The Member shall have the option of assuming the defense of the case or claim, in which event the Trust shall tender to the Member such sum as was payable under the terms of the settlement rejected by the Member. Otherwise, the Trust will continue to administer the case or claim, and any associated legal defense, with all amounts expended thereupon, in excess of the amount of the settlement rejected pursuant to this rule, payable by the Member.

AGENDA ITEM # _____
FOR AGENDA OF October 23, 2001

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Approval of Sorg Rhododendron Garden designation at Summer Lake Park.

PREPARED BY: John Roy DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Shall Council approve the request by staff to designate a portion of Summerlake Park as the Sorg Rhododendron Garden and a placement of a plaque commemorating the garden.

STAFF RECOMMENDATION

Staff recommends that Council approve the designation as the Sorg Rhododendron Garden.

INFORMATION SUMMARY

In May 2000, the City purchased a piece of property on Main Street, which was formally known as the Sorg Property, from the Sorg family. The property was purchased for the purpose of connecting the Fanno Creek Park trail to Main Street in downtown Tigard.

A condition of the sale agreement was that the City would incur the cost of up to \$5,000.00 for the transplanting of rhododendrons and azaleas from other Sorg family properties to Summerlake Park, and for providing a monument. The rhododendrons that were successfully transplanted last summer were 20 + years old and had an approximate value of \$15,000.00. The transplanting of the rhododendrons utilized all the funds made available; therefore Jeffrey Sorg will provide the plaque to be installed on a landscape rock at the garden. Since the inception of the garden, Jeffrey Sorg has continued to make contributions of plant materials to the amount of approximately \$2,500.00 to the Parks Division for adding to the garden.

Volunteers from the community have assisted with the improvements of the garden by spreading barkdust and blackberry removal. In addition, Mr. Sorg took it upon himself to have the Summerlake Rhododendron Garden registered with the American Rhododendron Society. The garden will be dedicated to Otto Sorg, who was a long time Tigard resident.

OTHER ALTERNATIVES CONSIDERED

Reject staff recommendation

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The designation of the Sorg Rhododendron Garden complies with the Tigard Beyond Tomorrow Goal for Community Character & Quality of Life. Through the creation of the garden, Council will be enhancing

Summerlake Park and providing the community with an opportunity to enjoy the quiet beauty of the many varied species of azaleas and rhododendrons blooming from early spring to mid-summer. This is the only public walk through garden of its size in the community offering both educational and expansion capability.

ATTACHMENT LIST

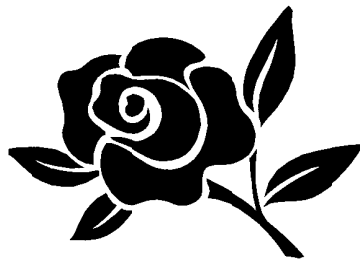
- A copy of the proposed plaque
- Resolution designating commemoration
- Resolution 99-37 - Tigard Memorial Policy

FISCAL NOTES

There are no funds required to designate the area as the Sorg Rhododendron Garden.

Sorg Rhododendron Garden

In memory of Otto Karl Sorg
1905 - 1982



*"Please take care of my
garden."*

- -Otto Sorg



This public garden is a member of the American Rhododendron Society

Funded in part by private donations

Maintained by the City of Tigard, Parks Department

Established: 2000

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-_____

A RESOLUTION MEMORIALIZING THE RHODODENDRON GARDEN AT SUMMERLAKE PARK
IN HONOR OF OTTO SORG

WHEREAS, the rhododendron garden at Summerlake Park is nearing completion and a dedication is planned for spring 2002; and

WHEREAS, the City Council has adopted Resolution 99-37 establishing a formal policy on placing memorials in City parks; and

WHEREAS, Resolution 99-37 allows placement of memorials at distinct elements on City owned property; and

WHEREAS, Jeffrey Sorg has donated approximately \$15,000 worth of 20 plus year old rhododendrons and azaleas from various Sorg properties as well as made contributions in the amount of \$2,500 for planting materials.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: A memorial plaque be placed at the rhododendron garden at Summerlake Park in honor of Otto Sorg.

SECTION 2: The plaque shall be made in conformance with standards kept on record in the Public Works office.

SECTION 3: This resolution is effective immediately upon passage. The plaque shall be unveiled at a dedication ceremony to be held in the Spring 2002

PASSED: This _____ day of _____ 2001.

Mayor - City of Tigard

ATTEST:

RESOLUTION NO. 01-__

CITY OF TIGARD, OREGON

RESOLUTION NO. 99-37

A RESOLUTION ESTABLISHING A POLICY OF THE CITY COUNCIL ON PLACING MEMORIALS IN CITY PARKS.

WHEREAS, the Tigard City Council desires to have a policy for designating memorials within City park facilities, City-owned properties and with the naming of building and park properties; and

WHEREAS, the City Council recognizes that over the past several years, various park lands have been acquired by the City of Tigard and various facilities have been built at City parks and properties which could appropriately be named in memory of individuals who have provided service to the community; and

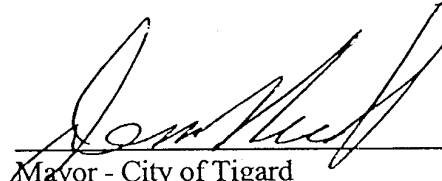
WHEREAS, in the past the City has named properties or facilities in memory of individuals without the benefit of an established City policy; and

WHEREAS, the Council wishes to have a formal policy to apply for official naming of City parks, facilities and features within parks.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

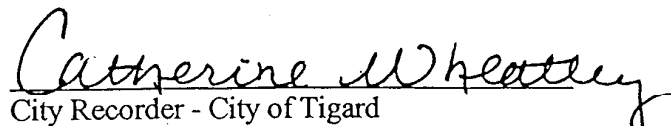
SECTION 1: The City Council hereby adopts the Memorial Policy described in Exhibit "A" attached hereto.

PASSED: This 8th day of June 1999.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

i:\adm\cathy\council\resolution memorial policy.dot

EXHIBIT "A"

TIGARD MEMORIAL POLICY FOR NAMING CITY PARK FACILITIES, DISTINCT ELEMENTS WITHIN CITY-OWNED PROPERTIES, AND CITY BUILDINGS

PURPOSE:

To outline the policy, criteria and process for designating memorials within City park facilities, distinct elements within City-owned properties and naming of buildings and park properties.

BACKGROUND:

As the City adds parks, open spaces and public facilities by acquisition and donation, the City has found that there is a need for a process to honor individuals or groups by naming City parks, distinct elements within City-owned properties or City buildings and to place memorials to advise the public of the recognition. In addition, the City has been the recipient of bequests which have required that the City recognize the financial contributions by memorializing the gift in some way. Finally, in the past, the City has accepted as a term of purchase of park land a requirement that the City acquired property be developed into a park with a specified park name.

In order that the City Council and staff have guidelines to follow when considering requests that memorials be placed within City park facilities or that City parks or buildings be named after individuals, a policy should be in place.

POLICY:

Land, facilities and features within property owned by the City of Tigard will be named through an administrative process in accordance with established criteria that emphasize community identity and service to the community.

Criteria for naming City park facilities, distinct elements within City-owned properties, and City buildings:

1. Memorials within City park facilities – Memorials included within this category are memorials which would be placed on or near basic park amenities, such as benches, picnic tables, trees, shrubs and plaques. If the memorial meets park standards for construction and materials, the Parks Division will assume maintenance responsibility for the useful life of the memorial. Replacement of the memorial shall be at the discretion of the Parks Division staff. Interested parties must submit a written request to the Parks Division regarding the type of memorial, proposal occasion and significance of the memorial.

Parties interested in placing memorials shall be financially responsible for the purchase of the memorial. An extensive review process is not necessary for these types of memorials. These requests shall be handled administratively by the Parks Division to ensure that City standards are met. The Parks Division has the right to adjust the location of the proposed memorial. The Parks Division shall notify the City Council of any actions taken to accept and place new memorials within City parks.

The standards that the Parks Division will follow in regard to park memorials are:

- a) Benches – benches must be made of wood, contoured or flat-styled pedestal, outdoor benches unless an alternative material is approved by the Parks Division upon a finding that there are circumstances that exist that make it appropriate to use the alternative material. Any bench to be contributed as a memorial and to be placed within City park facilities shall be purchased through a Parks Division approved manufacturer. A brass plaque may be attached to the bench but shall be no larger than 2 ½ x 6 inches in size. Prior to purchasing any bench for display in City parks, an interested party must contact City staff and review the example of approved benches maintained by the City staff.

- b) Trees – trees planted at City facilities as memorials must be at least 2 inches caliper, native to the area and fit into the existing landscape scheme of the park area or fit into the adopted plan for tree planting in that area.
 - c) Plaques – plaques may be placed in conjunction with a shrub or tree which are donated to the City as a memorial. Plaques shall not be placed as stand alone features. Plaques must be made of bronze and be no larger than 8 ½ x 11 inches in size. Plaques must be set in concrete, aggregate rock, or a boulder. City staff shall review the design of plaque and setting. Examples of the type of plaques approved by the City shall be made available by Parks staff.
2. Distinct elements within City-owned parks – Memorials can be placed at distinct elements of City-owned properties, such as shelters, sports fields, gardens, wetlands, tennis courts, rooms, fountains, ponds, paths, art, etc. Individuals interested in having a distinct element named in honor of an individual are required to submit a written request to the Tigard City Council regarding the particular type of amenity in which they are interested in sponsoring. Applications shall be made through the Parks Division.

Requests for such amenities may be made to honor an individual who has passed away or as an honorarium for someone who is living and has made a contribution to the City, either financially or through civic duty. Review of

such requests shall be made by the City Council. Council approval is needed. Guidelines regarding signage shall be adopted by Council based on recommendations made by the Parks Division.

The standards that the Parks Division will follow in regard to signage will be kept on record at the Public Works office. Examples of suitable signage will be available for public viewing.

3. Naming of buildings and park properties – City buildings and park properties may be named to honor individuals or groups. Interested parties shall submit a written request to the Tigard City Council regarding the property or building which they are interested in having Council name in honor of an individual or group. In addition, the City Council on its own motion, may consider naming a building or park. This type of memorial requires extensive review and Council approval in the form of a resolution. City staff will deal with guidelines for Council consideration.

The standards that the Parks Division will follow in regard to signage will be kept on record at the Public Works office. Examples of suitable signage will be available for public viewing.

AGENDA ITEM # _____
FOR AGENDA OF October 23, 2001

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Model for Proposed New Library and Public Participation Plan presented by the New Library Construction Committee.

PREPARED BY: Margaret Barnes DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

The New Tigard Library Construction Committee is presenting the architectural model of the proposed new library to the City Council. The Committee will also be presenting the plan to provide information to the public about the proposed new library.

STAFF RECOMMENDATION

The staff recommendation is for the City Council to direct the Construction Committee to continue its work.

INFORMATION SUMMARY

At the City Council meeting of August 14, 2001, the Council gave authorization for BML Architects to construct an architectural model of the proposed new library. The Committee met with BML Architects to develop the conceptual design and construction of the model of the proposed new library. The Committee has also developed a plan to provide information to the community about the proposed new library. The plan incorporates community presentations, electronic resources like the City WebPage, cable television and print resources to effectively disseminate information and update the citizens of Tigard accurately about this project. At this time, the Committee is prepared to present the model to Council and present the information plan.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Goal #3: Adequate facilities are available for efficient delivery of life-long learning programs and services for all ages.

ATTACHMENT LIST

PowerPoint Presentation.

FISCAL NOTES

N/A

AGENDA ITEM # _____
FOR AGENDA OF October 23, 2001

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Solid Waste Rate Adjustment Public Hearing

PREPARED BY: Tom Imdieke/Loreen Mills DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Whether to adjust the solid waste rates as recommended by the citizen-based Solid Waste Work Group.

STAFF RECOMMENDATION

Approve adjustments to solid waste rates as recommended by the Solid Waste Work Group and staff to be effective on January 1, 2002.

INFORMATION SUMMARY

A citizen-based Solid Waste Work Group was formed to review solid waste and recycling rates due primarily to changes in the solid waste industry that were the result of recent court decisions. The court decisions, although currently under appeal, have resulted in limiting the ability of the City of Tigard's two haulers, Pride Disposal and Miller's Sanitary Service to remain competitive in the drop box portion of the collection and hauling business. The other reason to conduct this review was that the last residential rate adjustment was in 1995.

As part of this review, the City Council recently adopted Resolution 01-54A updating Council policies affecting solid waste rate actions. The policy outlines the Council's desire to eventually have solid waste rates be profitable by each service type (i.e., cart, container, drop box). This would provide solid waste collection and hauling rates based on cost of service or on the actual cost of delivering service rather than charging one customer service type more than their share of the cost. The policy also directs that the current container subsidy of the cart and drop box rates be reduced taking a phased-in approach over the next seven years at increments that are acceptable to the City Council. In addition, the policy continues with the established practice that any rate adjustment provide a ten percent (10%) profit margin in the aggregate on gross revenue (before tax, net profit).

Members of the Solid Waste Work Group represented a variety of interests, including seniors, recyclers, businesses, and the Chairman of the Washington County Solid Waste Advisory Committee. The two haulers in Tigard also participated in the rate review but were not voting members of the work group. Public meetings were held by the work group to discuss solid waste and recycling issues and rates.

The recommended rates, attached to the resolution as Exhibit "A" have been developed keeping in mind current market conditions and the desire of the City Council to eventually have solid waste rates be based on cost of service. Members of the Solid Waste Work Group also encouraged the City to continue placing emphasis on recycling so that the amount of waste not having to go to a landfill can continue to increase.

With the rapid changes in the hauling/collection industry, the work group also encourages the Council to make future rate adjustments in fewer than seven years to achieve cost of service rates if at all possible. Staff will review this option each year during the review of the haulers' annual financial reports.

The majority of the residential customers (66%) use a 32 gallon cart with yard debris service. Under the recommended rate structure, those customers would be paying an additional \$1.60 per month. The mini cart or 20 gallon cart customer would be paying an additional \$1.30 per month. Please see attached Proposed Residential Rate Comparison Sheet for further comparisons.

Drop box customers would be paying an overall increase of 10% for their service.

The individual rate for the container or commercial customer varies by size of container ranging from a 32 gallon cart to an eight yard container. Overall the rates in this service category have been set to reduce the overall gross profit margin by approximately 5.5%. Individual customer rates, however, have been adjusted to a cost of service rate. In summary, some rates have been increased while others have been reduced to reflect the actual cost of delivering that specific service.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Proposed Residential Rate Comparison Sheet
Resolution to adopt rate change.

FISCAL NOTES

The City receives franchise revenue in the General Fund in the amount of 3% of gross revenues or approximately \$171,000 in Fiscal Year 2001/02. This rate adjustment will not have a significant impact on this figure.

PROPOSED RESIDENTIAL RATE COMPARISON *

		Proposed (2002) Rate	Current (1995) Rate	Difference
Recycling only (red bins & cart)	monthly	\$9.96	\$7.70	\$2.26
(red bins only)	monthly	\$4.98	\$4.70	\$0.28
(yard debris cart only)	monthly	\$4.98	\$3.00	\$1.98
Mini cart (20 gal) with yard debris	monthly	\$16.10	\$14.80	\$1.30
without yard debris (see yard debris exemption process)	monthly	\$13.85	\$12.75	\$1.10
Cart (32 gal) with yard debris	monthly	\$18.75	\$17.15	\$1.60
without yard debris (see yard debris exemption process)	monthly	\$16.45	\$15.10	\$1.35
Cart (60 gal) with yard debris	monthly	\$29.25	\$28.58	\$0.67
Cart (90 gal) with yard debris	monthly	\$35.50	\$34.93	\$0.57
On-call service (mixed waste, red bin and yard debris recycling)	each call	\$9.50	\$8.85	\$0.65

* All carts must be placed within 5' of the curb unless yard service rate is paid.

* See Tigard Solid Waste Administrative Rule #99-1, Exhibit A for yard debris exemption process.

Yard Debris Exemption Process - Administrative Rule #99-1

Existing neighborhood or homeowners' associations with at least 15 households as members should be provided with an opportunity to elect to exempt their members from the yard debris collection service, if they have a contract for yard maintenance service which includes the hauling and recycling of all yard debris. Each hauler will administer the exemption program for their franchise area on July 1st of each year according to the following conditions:

- * the association's board must vote to request an exemption through letter application to their hauler;
- * the association must demonstrate that all yard debris from common and individual yards is currently being diverted from landfilling and that yard debris is/will not be placed in trash containers;
- * all members of the association must be exempt (service can't be provided to some and not to others);
- * residents receiving regular trash service within the association should help pay a portion of the cost of the new program through a monthly increase in their refuse bill. The rate for this administrative support will be set by Tigard City Council by resolution; and
- * any disputes regarding the exemption program between the hauler and customer will be brought to the City Manager, or his designee, for determination.

Before applying for the exemption, associations would be encouraged to talk with their landscaper to see whether the cost of yard maintenance service could be reduced if 60-gallon carts were provided for their use. Additionally, residents would be encouraged to consider maintaining the yard maintenance service for lawns while adding the 60-gallon cart service for trimmings from gardens in individual units.

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-_____

A RESOLUTION ADJUSTING SOLID WASTE RATES DUE TO CHANGES IN THE SOLID WASTE INDUSTRY, DEREGULATION OF CERTAIN COLLECTION AND HAULING ACTIVITIES, AND REFLECTING COUNCIL POLICY FOR ESTABLISHING RATES BASED ON COST OF SERVICE

WHEREAS, TMC Section 11.04.090.E provides that adjustments to solid waste rates be discussed at a public hearing and adopted by Council resolution; and

WHEREAS, recent court decisions have led to the deregulation of certain types of collection and hauling of solid waste and recycling; and

WHEREAS, it is the desire of the City Council to eventually have solid waste rates be profitable by each service type (i.e., cart, container, drop box) based on cost of service; and

WHEREAS, the City Council has adopted a policy directing that the existing container subsidy of the cart rates and drop box rates be phased out over the next seven years; and

WHEREAS, the subsidy is to be reduced at increments acceptable to the City Council; and

WHEREAS, a citizen-based Solid Waste Work Group has completed a review of solid waste rates in the City of Tigard and forwarded rate adjustment recommendations to the City Council based on the aforementioned Council policy and the Council policy that requires any rate adjustment provide a ten percent (10%) rate of return in the aggregate to haulers; and

WHEREAS, the last rate adjustment was made in May, 1995.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Tigard City Council hereby approves an adjustment in the current solid waste rates, attached as Exhibit "A", to provide a 10% aggregate rate of return on gross revenues.

EFFECTIVE DATE: January 1, 2002.

PASSED: This _____ day of _____ 2001.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Attachment "A"
CITY OF TIGARD
SOLID WASTE DISPOSAL RATES - JANUARY 1, 2002

RESIDENTIAL RATES *

Recycling only (red bins & cart)	\$9.96 monthly
(red bins only)	\$4.98 monthly
(yard debris cart only)	\$4.98 monthly
Mini cart (20 gal) with yard debris	\$16.10 monthly
without yard debris (see yard debris exemption process)	\$13.85 monthly
Cart (32 gal) with yard debris	\$18.75 monthly
without yard debris (see yard debris exemption process)	\$16.45 monthly
Cart (60 gal) with yard debris	\$29.25 monthly
Cart (90 gal) with yard debris	\$35.50 monthly
On-call service (mixed waste, red bin and yard debris recycling)	\$9.50 each call

* All carts must be placed within 5' of the curb unless yard service rate is paid.

* See Tigard Solid Waste Administrative Rule #99-1, Exhibit A for yard debris exemption process.

COMMERCIAL CONTAINER SERVICE (LOOSE) MONTHLY RATES

<u>Container Size</u>	<u>Each</u>					
32 gallon cart	\$18.75					
60 gallon cart	\$29.25					
90 gallon cart	\$35.50					
		<u>Weekly Pickup Frequency</u>				
	<u>One</u>	<u>Two</u>	<u>Three</u>	<u>Four</u>	<u>Five</u>	
One yard	\$89.71	\$167.41	\$241.99	\$316.59	\$391.37	
Each additional	\$57.97	\$111.65	\$165.20	\$218.76	\$272.44	
One and 1/2 yards	\$114.67	\$211.04	\$307.34	\$403.64	\$500.03	
Each additional	\$80.00	\$155.29	\$230.55	\$305.80	\$381.10	
Two yards	\$136.73	\$254.73	\$372.72	\$490.71	\$608.70	
Each additional	\$102.08	\$198.97	\$295.93	\$392.88	\$489.77	
Three yards	\$180.71	\$342.10	\$503.39	\$664.70	\$826.09	
Each additional	\$146.05	\$286.34	\$426.60	\$566.87	\$707.16	
Four yards	\$224.71	\$429.50	\$634.11	\$838.71	\$1,043.50	
Each additional	\$190.05	\$373.74	\$557.31	\$740.89	\$924.57	
Five yards	\$268.75	\$516.75	\$764.76	\$1,012.77	\$1,260.78	
Each additional	\$234.09	\$461.01	\$687.96	\$914.93	\$1,141.85	
Six yards	\$312.51	\$603.92	\$895.23	\$1,186.54	\$1,477.95	
Each additional	\$277.85	\$548.16	\$818.42	\$1,088.71	\$1,359.02	
Eight yards	\$401.34	\$779.36	\$1,157.39	\$1,535.40	\$1,913.42	
Each additional	\$366.69	\$723.61	\$1,080.59	\$1,437.57	\$1,794.49	

DROP BOX SERVICE (LOOSE) EACH SERVICE CALL

<u>Drop Box Size</u>	<u>Regularly Scheduled Service</u>		<u>Occasional and Special Service</u>	
Twenty yard box or smaller	Charge	\$103.68	Charge	\$116.05
	Demurrage	\$5.00	Demurrage	\$5.00
	Disposal fee	actual cost	Disposal fee	actual cost
	Franchise fee	actual cost	Franchise fee	actual cost
Thirty yard box	Charge	\$126.89	Charge	\$139.87
	Demurrage	\$6.60	Demurrage	\$6.60
	Disposal fee	actual cost	Disposal fee	actual cost
	Franchise fee	actual cost	Franchise fee	actual cost
Forty yard box	Charge	\$155.29	Charge	\$168.57
	Demurrage	\$6.60	Demurrage	\$6.60
	Disposal fee	actual cost	Disposal fee	actual cost
	Franchise fee	actual cost	Franchise fee	actual cost

DROP BOX SERVICE (COMPACTED) EACH SERVICE CALL

<u>Drop Box Size</u>	<u>Regularly Scheduled Service</u>	
Under 20 yards	Charge	\$119.02
	Disposal fee	actual cost
	Franchise fee	actual cost
20 yards	Charge	\$124.63
	Disposal fee	actual cost
	Franchise fee	actual cost
30 yards	Charge	\$164.18
	Disposal fee	actual cost
	Franchise fee	actual cost
40 yards	Charge	\$188.43
	Disposal fee	actual cost
	Franchise fee	actual cost

MISCELLANEOUS SERVICE RATES

<u>Service</u>	<u>Rate</u>
Extra mixed waste per cart (based on 32 gallon capacity)	\$3.75/occurrence
Extra yard debris (manual up to 32 gal.)	\$2.00/occurrence
Additional yard debris service (second 60 gal. cart)	\$2.90/occurrence
Call backs/return for pickup of inaccessible can per service call	\$8.25/occurrence
Yard service rate - extra distance away from curb after first 5 feet	\$3.00/occurrence
Special service fee	\$65.00/hour
Account reinstatement fee	\$25.00/occurrence
NSF check fee	\$25.00/occurrence
Tire disposal	Hourly rate + disposal fee

AGENDA ITEM # _____
FOR AGENDA OF 10/23/01

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Public Hearing - 2001 Local Law Enforcement Block Grant

PREPARED BY: Ronald D. Goodpaster DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

The issue before the Council is to hold a public hearing regarding this grant, to then accept the grant and to approve the spending of the funds.

STAFF RECOMMENDATION

Staff recommends accepting the grant and authorizing the spending of the funds.

INFORMATION SUMMARY

This is the sixth Department of Justice Law Enforcement Block Grant the Police Department has received. The grant amount is for \$27,911, which requires a 10 percent match of \$3,101, which brings the total value of the grant to \$31,012. The requirements of the grant are that the funds be spent to reduce crime and improve public safety. There are 7 categories the funds can be spent in. These funds will be spent in the category titled "Supporting Law Enforcement".

The grant requires a citizen advisory committee made up of representatives from the local police, local prosecutor's office, local court system, local school district, and a community representative active in crime prevention. This committee has recommendation rights to the Police Department in regards to how the funds are spent. The recommendation before you is the one that is approved by this citizen advisory committee.

These funds cannot be used to supplant any existing funds or pending purchases. Before the City actually receives the funds and spends them, the City is required to hold a public hearing regarding the proposed use of the funds, which is the purpose for the agenda item this evening.

The funds from this grant are going to be spent for the following items:

\$15,281 - this money will be used to fund the equipping of two police cars that will be used as rotating take-home cars in Tigard for sworn officers. The purpose is to increase our visibility in the community and also to make available more marked police units when needed.

\$4,371 - this is to purchase a pepperball less lethal system. The pepperball system is similar to a paintball gun; however, it shoots soft balls filled with OC spray, which we will use in crowd control issues. It will also be available on the street in the supervisor's vehicle for those situations that less lethal force is necessary.

\$2,454 - this is for training and will be used to send Training Officer Dennis Dirren and Capt. Schrader to *Commission on Accreditation for Law Enforcement Agency* training. The Department is currently halfway through the Oregon accreditation process, and this training is necessary. Capt. Schrader is currently the lead person on accreditation. However, when he retires in 8 months, Ofc. Dirren, who now assists Capt. Schrader, will be responsible for our accreditation. They both need the training to expedite and learn about the accreditation process.

\$1,406 - this is for training to send our new Training Officer Dennis Dirren to a National Law Enforcement Association meeting. This will assist him greatly in connecting with other training officers, and also will provide him information about establishing, maintaining, and coordinating departmental training.

\$2,500 - this will go to Community Partners for Affordable Housing to help fund their after-school program.

\$2,500 - this will go to the Tigard-Tualatin School District to be used at Tuality and Fowler Middle Schools to fund recognition certificates and fast-food coupons for the "Do the Right Thing" program for students. In this program, school staff recognizes students that make good choices. The certificates will be signed by the Tigard Police Chief and the School Principal.

\$2,500 - this money will go to the "Good Neighbor Center" and be used for a variety of resident needs. This would include funding GED testing, bus tickets, fast-food meal coupons, and other recognition for the kids at the center.

This brings the total expenditure from the grant to \$31,012.

Your approval of this will allow us to immediately draw down the funds from the federal government and then spend them for the above listed items.

OTHER ALTERNATIVES CONSIDERED

None.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

These expenditures would address the Tigard Beyond Tomorrow public safety goal on enhancing the community public safety.

ATTACHMENT LIST

None

FISCAL NOTES

The matching funds of \$3,101 are available in this fiscal year's police budget.

AGENDA ITEM # _____
FOR AGENDA OF October 23, 2001

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Limitation of Construction Activity Within the Public Right-of -Way

PREPARED BY: J. Hendryx DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should Council adopt a resolution to limit construction activity within the public right-of-way on specific streets between Thanksgiving and New Year?

STAFF RECOMMENDATION

Staff recommends that a resolution be adopted limiting construction activity within the public right-of-way on specific streets between Thanksgiving and New Year. The limitation would apply to areas in and around Washington Square, downtown Tigard, and within the Tigard Triangle.

INFORMATION SUMMARY

Construction activity occurs throughout the year which impacts the public right-of-way. During the period of the year from Thanksgiving and New Year, the public's acceptance to such delays is limited. Last year, several projects occurred simultaneously, involving the downtown Tigard and Washington Square Mall areas. The public faced extensive delays and several retailers were adversely impacted.

In order to avoid similar problems in the future, it is recommended that a resolution be adopted limiting construction activity within the public right-of-way on specific streets between Thanksgiving and New Year. Specifically, the limitation would apply to streets in and around Washington Square, downtown Tigard, and within the Tigard Triangle as listed below.

Hwy. 99W
Scholls Ferry Road
Cascade Avenue
Greenburg Road
Hall Boulevard
Locust Street
Tigard Street
Commercial Street
Burnham Street
Ash Avenue
Hall Boulevard
Main Street
Scoffins Street

Dartmouth Street
72nd Avenue
68th Avenue

The City Engineer would have the authority to waive this provision for emergency situations or when the work does not impact traffic flow.

OTHER ALTERNATIVES CONSIDERED

Do not limit construction in the public right-of-way.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Attachment #1 - memo dated 10/23/01 to Council from Jim Hendryx
Attachment #2 - proposed Resolution and map showing proposed affected streets

FISCAL NOTES

N/A



MEMORANDUM

CITY OF TIGARD

TO: City Council

FROM: Jim Hendryx

DATE: October 23, 2001

SUBJECT: Limitation of Construction Activity within the Public Right-of-Way

Construction activity occurs throughout the year which impacts the public right-of-way. This includes private construction, as well as public projects. Generally, impacts limited with delays and detours are tolerable. However, during the period of the year from Thanksgiving and New Year, the public's acceptance to such delays is limited. This is also true for retailers, merchants, delivery services, etc., that rely heavily on accessibility.

Last year, several projects, including cable installation, capital improvement projects, and private construction occurred simultaneously, involving the downtown Tigard and Washington Square Mall area. The public faced extensive delays and several retailers were adversely impacted. Staff worked with the contractors to lessen impacts to commercial areas within Tigard.

In order to avoid similar problems in the future, it is recommended that a resolution be adopted limiting construction activity within the public right-of-way on specific streets between Thanksgiving and New Year. Specifically, the limitation would apply to areas in and around the Washington Square Mall, downtown Tigard, and within the Tigard Triangle as listed below.

Washington Square Area	Downtown Tigard Area	Tigard Triangle Area
Scholls Ferry Road Cascade Avenue Greenburg Road Hall Boulevard Locust Street	Hwy. 99W Tigard Street Commercial Street Burnham Street Ash Avenue Hall Boulevard Main Street Scoffins Street	Hwy. 99W Dartmouth Street 72 nd Avenue 68 th Avenue

The City Engineer would have the authority to waive this provision for emergency situations or when the work does not impact traffic flow. The City Attorney's office has reviewed this question and determined that it is within the City's ability to take this action. An ordinance amendment is not necessary. Notice will be provided to the City's franchises and contractors, pending Council action.

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-_____

A RESOLUTION LIMITING CONSTRUCTION ACTIVITY WITHIN THE PUBLIC RIGHT-OF-WAY
BETWEEN THANKSGIVING AND NEW YEAR

WHEREAS, construction activity, including private and public projects, occurs throughout the year which impacts the public right-of-way, and;

WHEREAS, during the period of the year from Thanksgiving and New Year, the public's acceptance to such delays is limited and commercial retailers are adversely impacted, and;

WHEREAS, the City Attorney's office has determined that it is within the City's ability to take this action, and;

WHEREAS, notice will be provided to the City's franchises and contractors, and;

WHEREAS, the City Engineer would have the authority to waive this provision for emergency situations or when the work does not impact traffic flow.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that: construction activity within the public right-of-way on specific streets in and around the Washington Square Mall, downtown Tigard, and within the Tigard Triangle shall be limited between Thanksgiving and New Year, as shown on the map labeled Exhibit "A". Specifically the streets include: Hwy. 99W, Scholls Ferry Road, Cascade Avenue, Greenburg Road, Hall Boulevard, Locust Street, Tigard Street, Commercial Street, Burnham Street, Ash Avenue, Hall Boulevard, Main Street, Scoffins Street, Dartmouth Street, 72nd Avenue, and 68th Avenue.

EFFECTIVE DATE:

PASSED: This _____ day of _____ 2001.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

RESOLUTION NO. 01- ____

Limitation of Construction Activity within the Public Right-of-Way

CITY of TIGARD






GEOGRAPHIC INFORMATION SYSTEM

EXHIBIT A

Legend

 Construction Limitation Areas

Tigard Streets

 Arterial
 Major Collectors
 Minor Collectors
 Local
 Private



0 1000 2000 3000 4000 Feet

1"= 3200 feet



City of Tigard

Information on this map is for general location only and
 should be verified with the Development Services Division.
 13125 SW Hall Blvd
 Tigard, OR 97223
 (503) 639-4171
<http://www.ci.tigard.or.us>

